FEDERAL REGISTER

VOLUME 20 NUMBER 211

Washington, Friday, October 28, 1955

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.302, Amdt. 1]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 970.302 (b) (1) (FEDERAL REGISTER, September 16, 1955; 20 F. R. 6815) are hereby amended as follows:

(b) *Order.* (1) During the period from October 31, 1955, to June 30, 1956, both dates inclusive, and except as otherwise provided in this section, no handler shall handle (i) potatoes of the round white or of the red skin varieties unless such potatoes meet the requirements of the U. S. No. 1 or better grade, 2¼ inches minimum diameter and 4 inches maximum diameter, and unless at least 90 percent of such potatoes are "fairly clean," and (ii) potatoes of the long varieties (including, but not limited to, the Russet Burbank variety) unless such potatoes are "fairly clean," and meet the requirements of (*a*) the U. S. No. 1 or better grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight or (*b*) the U. S. No. 2 grade, 6 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 26, 1955.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 55-8771; Filed, Oct. 27, 1955; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Reg. SR-399A]

PART 4a—AIRPLANE AIRWORTHINESS

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

SPECIAL CIVIL AIR REGULATION; PROVISIONAL MAXIMUM TAKE-OFF WEIGHTS FOR CERTAIN AIRPLANES OPERATED BY ALASKAN AIR CARRIERS AND BY DEPARTMENT OF THE INTERIOR

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of October 1955.

On October 23, 1953, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR-399, effective October

(Continued on p. 8093)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

25, 1953 (18 F. R. 6799) which authorized the Administrator to establish increased maximum take-off weights for certain airplanes of 12,500 pounds or less operated by Alaskan air carriers and by the United States Department of the Interior in the Territory of Alaska. The authority contained in SR–399 terminates on October 25, 1955. Since the domestic economy of Alaska is greatly dependent upon the continued operation of Alaskan air carriers using airplanes of 12,500 pounds or less, and since the Department of the Interior expects to continue to use such airplanes in the Territory of Alaska, the authority currently provided by this special regulation is being extended for a period of 5 years. However, during this period the Board will study further the operating conditions and the types of airplanes in use in Alaska to determine whether this authorization should be permitted to expire or be extended 5 years hence or be made a permanent part of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than thirty days' notice.

In view of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective October 26, 1955, to read as follows:

1. The Administrator is hereby authorized to establish a maximum authorized weight for airplanes type certificated under the provisions of Aeronautics Bulletin No. 7–A of the Aeronautics Branch of the U. S. Department of Commerce, dated January 1, 1931, as amended, under the normal category of Part 4a, which are operated entirely within the Territory of Alaska by Alaskan air carriers as designated by Part 292, as amended, of the Board's Economic Regulations or by the U. S. Department of the Interior in the conduct of its game and fish law enforcement activities and its management, fire detection, and fire suppression activities with respect to public land.

2. The maximum authorized weight herein referred to shall not exceed any of the following:

(a) 12,500 pounds,

(b) 115 percent of the maximum weight listed in the CAA Aircraft Specification,

(c) The weight at which the airplane meets the positive maneuvering load factor requirement for the normal category specified in § 3.186 of the Civil Air Regulations, or

(d) The weight at which the airplane meets the climb performance requirements under which it was type certificated.

3. In determining the maximum authorized weight the Administrator shall also consider the structural soundness of the airplane and the terrain to be traversed in the operation.

4. The maximum authorized weight so determined shall be added to the airplane's operation limitations and identified as the maximum weight authorized for operations within the Territory of Alaska.

This regulation supersedes Special Civil Air Regulation No. SR–399, and shall terminate October 25, 1960, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–8732; Filed, Oct. 27, 1955; 8:53 a. m.]

[Reg. SR–403A]

PART 60—AIR TRAFFIC RULES

SPECIAL CIVIL AIR REGULATIONS; DELEGATION OF AUTHORITY TO ADMINISTRATOR TO ESTABLISH RULES APPLICABLE TO HIGH DENSITY TRAFFIC ZONE IN WASHINGTON, D. C., AREA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of October 1955.

On October 20, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation No. SR–408, effective November 25, 1954, which delegated to the Administrator authority to designate a "High Density Air Traffic Zone" in the Washington, D. C., area and to establish additional rules for VFR operations within the zone for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones. The authority delegated to the Administrator by SR–408 is effective for a period of one year and will terminate on November 24, 1955.

At the time SR–408 was adopted, it was presumed that the Administrator would be able to promulgate additional rules within a reasonably short time. However, in view of the controversial nature of the matters involved, the Administrator deemed it necessary to hold a public hearing. As a consequence, the promulgation of the Administrator's rules was delayed considerably and they did not become effective until August 1, 1955. Unless the authority contained in SR–408 is extended, the rules of the Administrator will be in effect only for a period of approximately three and one-half months. This Special Civil Air Regulation extends until July 31, 1956, the authority contained in SR–408 so as to permit the rules prescribed by the Administrator to be in effect for one year as originally contemplated.

Special Civil Air Regulation No. SR–408 authorized the Administrator to designate all airspace located within the Washington control zone as a high density air traffic zone. However, it appears desirable to make express provision for the exclusion of some airspace surrounding airports within the control zone, other than Washington National Airport, in order to facilitate operations into and from such other airports. Accordingly, this regulation changes the description of the extent of the high density air traffic zone to include "all or any part" of the airspace located within the Washington control zone.

Interested persons have been afforded an opportunity to participate in the making of this regulation (20 F. R. 6717) and due consideration has been given to all relevant matter presented.

It is recognized that the promulgation of this rule will not permit 30 days effective notice prior to November 25, 1955. However, since this is an extension of the original authority contained in SR–408 and maintains the status quo; and since it would be confusing to the pub-

lic, and therefore be contrary to the public interest, to permit this authority to lapse for several days, the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective November 25, 1955:

The Administrator is authorized to designate a zone to be known as a "High Density Air Traffic Zone" in the Washington, D. C., area, to include all or any part of the airspace located within the Washington control zone extending from the surface upward to 3,000 feet above the elevation of the Washington National Airport.

There is hereby delegated to the Administrator authority to prescribe such additional rules to be applicable in the Washington High Density Air Traffic Zone during VFR weather conditions as he shall find are necessary or desirable, for the purpose of conducting experiments with respect to procedures and rules necessary for the safe and efficient movement of air traffic in high density air traffic zones.

All operations of aircraft within the Washington High Density Air Traffic Zone shall be in compliance with the rules and procedures prescribed by the Administrator.

This regulation supersedes Special Civil Air Regulation No. SR–408 and shall terminate July 31, 1956, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55–8781; Filed, Oct. 27, 1955; 9:31 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 618—HIGH DENSITY AIR TRAFFIC ZONE RULES, WASHINGTON, D. C.

EXTENSION OF TERMINATION DATE

Pursuant to the provisions of Special Civil Air Regulation SR–408A,[1] by which the Civil Aeronautics Board extended the authority of the Administrator to designate the airspace located within the Washington control zone as a high density air traffic zone, and to prescribe additional rules which shall be applicable therein during VFR weather conditions, the Administrator hereby extends the termination date of Part 618 from November 24, 1955, to July 31, 1956. Such extension of time will permit the special working group of the Air Traffic Control and Navigation Panel a reasonable time in which to complete its evaluation of the experimental rules contained in Part 618.

This amendment was published in the FEDERAL REGISTER as a notice of proposed rule making on September 27, 1955 (20 F R. 7197) Due consideration has been given to the views and comments received from interested persons relative to this amendment. As stated in SR–408A, compliance with the effective date requirements of section 4 (c) of the Administrative Procedure Act is contrary to the public interest. Part 618 is amended as follows:

1. Section 618.30 is amended by changing the termination date from November 24, 1955, to July 31, 1956.

2. Section 618.1 is amended by adding "and SR–408A" after "SR–408 (19 F R. 671)" in the first sentence of this section.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55–8780; Filed, Oct. 27, 1955; 8:55 a. m.]

[1] See Part 60 of this title, *supra.*

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

[T. D. 54, Narcotics Reg. 2]

PART 202—IMPORTATION AND EXPORTATION OF NARCOTIC DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 55–8657, appearing at page 8036 in the issue for Wednesday, October 26, 1955, the title of G. W Cunningham should read *"Acting Commissioner of Narcotics."*

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

COLORADO NATIONAL MONUMENT

1. Paragraph (a) Speed, of § 20.54, entitled *Colorado National Monument,* shall read as follows:

(a) *Speed.* Speed of automobiles and other vehicles in the Monument, except in emergencies as provided in § 1.42 (b) of this chapter, is limited to 35 miles per hour.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 5th day of October 1955.

[SEAL] HOMER W ROBINSON,
Superintendent, Colorado National Monument.

[F. R. Doc. 55–8699; Filed, Oct. 27, 1955; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. 55]

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of October A. D. 1955.

It appearing, that by notice entered on August 8, 1952, in the above-entitled proceeding, the Commission invited suggested amendments to its general rules of practice, adopted July 31, 1942, as amended (49 CFR Part 1, §§ 1.1 to 1.102),

Upon consideration of suggested amendments received, and good cause appearing therefor:

It is ordered, That the general rules of practice be, and the same are hereby, amended by deleting therefrom Rules 13, 24 (a) 36 (a) 40 (c), 52, and 72 (d) (49 CFR § 1.13, 1.24 (a), 1.36 (a), 1.40 (c), 1.52, and 1.72 (d)) and, in each instance, substituting in lieu of the deleted rule, or part thereof, the correspondingly numbered rule, or part thereof, set forth in below, which is hereby incorporated into and made a part of this order.

It is further ordered, That the effective date of this order shall be November 1, 1955;

It is further ordered, That this proceeding be, and it is hereby closed until the further order of the Commission,

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 283; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

§ 1.13 *Denial of admission, censure, suspension, or disbarment of practitioners.* The Commission may, in its discretion, deny admission, censure, suspend, or disbar any person who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper professional conduct. Any person who has been admitted to practice may be suspended or disbarred only after he is afforded an opportunity to be heard. All persons, whether or not admitted to practice under § 1.9, must, in their representations before the Commission, conform to the code of ethics published by the Association of Interstate Commerce Commission Practitioners as of April 1, 1955, which code is reprinted in the appendix to this section.

APPENDIX—CODE OF ETHICS FOR PRACTITIONERS BEFORE THE INTERSTATE COMMERCE COMMISSION

PREAMBLE

No rules of conduct can be framed which will particularize all the duties of the practitioner in the varying phases of litigation or in his relations to clients, adversaries, other practitioners, the Commission and the public. The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission.

It will be remembered that the practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law, and (b) others having traffic or other technical experience qualifying them to aid the Commission in administration of the Interstate Commerce Act and related acts of Congress. The former are

bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer; for the latter, no code of ethics has been written heretofore. The following canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply alike to all practitioners before the Commission and the setting forth therein of particular duties or principles of conduct should not be construed as a denial of the existence of others equally imperative although not specifically mentioned. The word "Commission" as used herein includes Divisions of the Commission, and the representatives of the Commission, whether members, examiners, or other employees connected with the matter in hand.

CANONS OF ETHICS

1. *Standards of ethical conduct in courts of United States to be observed.* These canons are in furtherance of the purpose of the Commission's rules of practice which enjoin upon all persons appearing in proceedings before it to conform, as nearly as may be, to the standards of ethical conduct required of practitioners before the courts of the United States; and such standards are taken as the basis for these specifications, modified in so far as the nature of the practice before the Commission requires.

2. *The duty of the practitioner to and his attitude towards the Commission.* It is the duty of the practitioner to maintain towards the Commission a respectful attitude, not for the sake of the temporary incumbent of the office, but for the maintenance of the importance of the functions he administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and strive to uphold its honor and dignity. The Commission, not being wholly free to defend itself is peculiarly entitled to receive the support of the practitioner against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a member or employee of the Commission it is the right and duty of the practitioner to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

3. *Punctuality and expedition.* It is the duty of the practitioner not only to his client, but also to the Commission and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

4. *Attempts to exert political influence on the Commission.* It is unethical for a practitioner to attempt to sway the judgment of the Commission by propaganda, or by enlisting the influence or intercession of members of the Congress or other public officers, or by threats of political or personal reprisal.

5. *Attempts to exert personal influence on the Commission.* Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, examiner, or other representative of the Commission, uncalled for and unwarranted by the personal relations of the parties, subject both to misconstruction of motive and should be avoided. A self-respecting independence in the discharge of duty, without denial or diminution of the courtesy and respect due the official station is the only proper foundation for cordial personal and official relations between Commission and practitioners.

6. *The selection of Commissioners.* The nomination of Commissioners is a duty of the President, and confirmation, of the Senate. It is the duty of the practitioners in so far as they attempt to advise the appointing or confirming officers, to endeavor to prevent any consideration from outweighing fitness in the selection.

7. *The practitioner's duty in its last analysis.* No client, corporate or individual, however powerful, no cause, civil or political however important, is entitled to receive, and no practitioner should render, any service or advice involving disloyalty to the law or disrespect of its official ministers, or corruption of any person or persons exercising a public office or employment or private trust, or deception or betrayal of the public. In rendering any such improper service or advice the practitioner invites and merits stern and just condemnation. Correspondingly, he advances the honor of his calling and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, although until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all he will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

8. *Private communications with the Commission.* In the disposition of contested proceedings brought under the Interstate Commerce Act the Commission exercises quasi-legislative powers, but it is nevertheless acting in a quasi-judicial capacity. It is required to administer the Act and to consider at all times the public interest beyond the mere interest of the particular litigants before it. To the extent that it acts in a quasi-judicial capacity, it is grossly improper for litigants, directly or through any counsel or representative, to communicate privately with a commissioner, examiner or other representative of the Commission about a pending cause, or to argue privately the merits thereof in the absence of their adversaries or without notice to them. Practitioners at all times should scrupulously refrain in their communications to and discussions with the Commission and its staff from going beyond ex parte representations that are clearly proper in view of the administrative work of the Commission.

9. *Adverse influences and conflicting interests.* It is the duty of a practitioner at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of the person to represent or assist him.

It is unethical to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon a practitioner represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requies him to oppose.

The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of additional practitioner should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another practitioner are unworthy of those who should be brethern, but, nevertheless, it is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

11. *Withdrawal from employment.* The right of a practitioner to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The practitioner representing him should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the practitioner's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the practitioner may be warranted in withdrawing on due notice to the client, allowing him time to employ another. So also when a practitioner discovers that his client has no case and the client is determined to continue it; or even if he finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is to be justified. Upon withdrawing from a case after a retainer has been paid, he should refund such part of the retainer as has not been clearly earned.

12. *Advising upon the merits of a client's cause.* A practitioner should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. He should beware of bold and confident assurances to clients, especially where employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

13. *Negotiations with opposing party.* A practitioner should not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party; much less should he undertake to negotiate or compromise the matter with him, but should deal only with the practitioner who represents the other party. It is incumbent upon the practitioner most particularly to avoid everything that may tend to mislead a party not represented by a practitioner, and he should not undertake to advise him as to the law.

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all.

15. *Compensation, commission and rebates.* A practitioner should accept no compensation, commissions, rebates, or other advantages from parties to the proceeding other than his client without the knowledge and consent of his client after full disclosure.

16. *Contingent fees.* Contingent fees should be such only as are sanctioned by law. In no case, except a charity case, should they be entirely contingent upon success.

17. *Division of fees.* No division of fees for services is proper, except with a member of the bar or with another practitioner, based upon a division of service or responsibility. It is unethical for a practitioner to retain

laymen to solicit his employment in pending or prospective cases, and reward them by a division of fees, and such a practice cannot be too severely condemned.

18. *Suing clients for fees.* Controversies with clients concerning compensation are to be avoided in so far as compatible with self-respect and with the right to receive reasonable recompense for services and lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

19. *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of the litigation which he is conducting.

20. *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but subject to reimbursement by the client.

21. *Witnesses.* A practitioner shall not undertake that the compensation of a witness shall be contingent upon the success of the cause in which he is called. If the ascertainment of truth requires that a practitioner should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person in the interest of his client.

22. *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be used by him.

23. *How far a practitioner may go in supporting a client's cause.* Nothing will operate more certainly to create or foster popular prejudice against practitioners as a class, and deprive them of that full measure of public esteem and confidence which belongs to the proper discharge of their duties than does the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the practitioner to do whatever may enable him to succeed in winning his client's cause.

The practitioner owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights, and the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of the disfavor of the Commission or public unpopularity should restrain him from full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his counsel to assert every such remedy or defense. But it is to be steadfastly borne in mind that this great trust is to be performed within and not without the bounds of the law. Admission to the privilege of appearing before the Commission as representing another does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

24. *Restraining clients from improprieties.* A practitioner should use his best efforts to restrain and to prevent his clients from doing those things which he himself ought not to do, particularly with reference to their conduct towards the Commission, other practitioners, witnesses and suitors. If a client persists in such wrong-doing the practitioner should terminate their relations.

25. *Ill-feeling and personalities between advocates.* Clients, not their representatives, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence practitioners in their conduct and demeanor toward each other or toward suitors in the case. All personalities between practitioners should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncracies of practitioners on the other side. Personal colloquies between practitioners which cause delay and promote unseemly wrangling should also be carefully avoided. Their statements should be addressed to the Commission.

26. *Treatment of witnesses and litigants.* A practitioner should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudice of a client in the trial or conduct of a cause. The client cannot be made the keeper of the practitioner's conscience in such matters. He has no right to demand that the practitioner representing him shall abuse the opposing party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

27. (None.)

28. *Discussion of pending litigation in public press.* Attempts to influence the action and attitude of the members and examiners of the Commission through propaganda; or through colored or distorted articles, in the public press, are more apt to react against than in favor of the parties resorting to such measures. On the other hand, it is not against the public interest or unfair to the Commission that the facts of pending litigation shall be made known to the public through the press in a fair and unbiased manner and in dispassionate terms. Practitioners should themselves avoid, and should counsel their clients against, giving to the public press any press notices or statements of a nature intended to inflame the public mind, to stir up possible hostility toward the Commission, or to influence the Commission's course and judgment as to pending or anticipated litigation. When the circumstances of a particular case appear to justify a statement to the public through the press; it is unethical to make it anonymously.

29. *Candor and fairness.* The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The non-technical character and liberality of the Commission's practice call for scrupulous observance of the principles of fair dealing and just consideration for the rights of others.

It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A practitioner should not offer evidence, which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He should not introduce into an argument remarks or statements intended to influence the by-standers.

These and all kindred practices are unethical and unworthy of a practitioner.

30. *Right of practitioner to control the incidents of the trial.* As to incidental matters pending the trial, not affecting the merits of the cause or working substantial prejudice to the rights of the client, such as forcing the opposing practitioner to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposing practitioner when no harm will result from trial at a different time, agreeing to extensions of time and the like, the practitioner and not the client, must be allowed to judge. In such matters no client has a right to demand that his practitioner shall be illiberal or do anything therein repugnant to the practitioner's sense of honor and propriety.

31. *Taking technical advantage of opposing practitioner's agreements with him.* A practitioner should not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner. In so far as possible, important agreements affecting the rights of clients should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing.

32. *Advertising, direct or indirect.* The most worthy and effective advertisement possible is the establishment of a well-merited reputation for capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not improper. But solicitation of employment by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unethical. It is equally unethical to procure business by indirection through touters of any kind. Indirect advertisement for employment by furnishing or inspiring newspaper comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable.

33. *Professional card.* The simple professional card mentioned in Canon 33 may with propriety contain only a statement of the practitioner's name (and those of his associates), occupation, address, telephone number, and special branch or branches of practice. Such cards may be inserted in reputable lists and may give authorized references, or name clients with their permission.

34. *Stirring up litigation, directly or through agents.* It is unethical for a practitioner to volunteer advice that a proceeding be brought before the Commission, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unethical but it is indictable at common law. It is disreputable for a practitioner to hunt up defects or other causes of action and disclose them in order to be employed to bring complaint, or to breed litigation by seeking out those having claims for damages or any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office to seek his services. No complaint should be brought before the Commission by a practitioner except with the distinct knowledge and specific consent of the client in the particular case. A duty to the public and to the Association devolves upon every member having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disciplined or disbarred.

35. *Justifiable and unjustifiable litigation.* The practitioner must decline to conduct

a cause or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. But otherwise it is his right, and having accepted retainer, it becomes his duty, to insist upon the judgment of the Commission as to the merits of his client's claim. His appearance should be deemed equivalent to an assertion upon his honor that in his opinion his client's case is one proper for determination.

36. *Responsibility for litigation.* No practitioner is obliged to act either as adviser or advocate for every person who may seek to become his client. He has the right to decline employment. Every practitioner upon his own responsibility must decide what employment he will accept, what causes he will bring before the Commisison for complainants, or contest for defendants or respondents. The responsibility for advising as to questionable transactions, for bringing questionable proceedings, for urging questionable defenses is his alone. He cannot escape it by urging as excuses that he is only following his client's instructions, or that he is under a stated retainer or in the regular employment of his client.

37. *Discovery of imposition and deception.* When a practitioner discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Commission or a party, he should endeavor to rectify it; first by advising his client to forego any advantage thus unjustly gained and, if his client refuses, by promptly informing the injured person or his counsel (practitioner), so that appropriate steps may be taken.

38. *Upholding the honor of the calling.* Practitioners should expose without fear or favor before the proper tribunals corrupt or dishonest conduct and should accept without hesitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a cause in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities. The practitioner should aid in guarding the bar of the Commission against admission thereto of candidates unfit or unqualified because deficient in either moral character or education. A practitioner should propose no person for admission to practice before the Commission unless from personal knowledge or upon reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in the Commission's rules of practice. He should strive at all times to uphold the honor and maintain the dignity of his calling and to improve not only the law but the administration of justice.

39. *Intermediaries.* The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. His responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediaries. His relation to the client should be personal, and the responsibility should be direct to the client.

He may accept employment from any organization such as an association, club or trade organization, authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to their individual affairs as are consistent with the free and untrammeled performance of his duties to the Commission.

Nothing in this canon shall be construed as conflicting with canon 17.

40. *Retirement from public employment.* A practitioner, having once held public office or having been in the public employ, should not after his retirement, accept employment as an advocate or adviser in the same proceeding or as to the same, or substantially the same, facts as were involved in any specific question which he investigated or passed upon in a judicial or quasi-judicial capacity while in such office or employ, whether the same or different parties are concerned.

41. *Confidences of a client.* The duty to preserve his client's confidences in the course of his employment outlasts the practitioner's employment, and extends as well to his employees. None of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the practitioner or his employees or to the disadvantage of the client, without knowledge and consent of the client even though there are other available sources of such information. A practitioner should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which a practitioner is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened.

42. *Partnerships-names.* Partnerships among practitioners for the practice of their calling are very common and are not to be condemned. The rules of the Commission provide that corporations or firms will not be recognized. Practitioners before the Commission should therefore appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; care should also be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not locally admitted, or who is not duly authorized to practice, and as such amenable to discipline. No person should be held out as a practitioner or member who is not so admitted. No practitioner who is not admitted to practice in the courts should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a Commissioner, or an Examiner or other employee of the Commission his name should not be retained in the firm name, as such retention may give color to the impression that an improper relation or influence is continued or possessed by the firm.

This canon does not inhibit the association of a practitioner with a mercantile, manufacturing, or other commercial institution, in the capacity of its representative or adviser.

43. *Titles.* No member of the Association not admitted to the bar shall use the title "Attorney" or "Counsel" but should use the title "Traffic Manager," "Practitioner before the Interstate Commerce Commission," "Registered Practitioner," or other appropriate title or designation.

§ 1.24 *Informal complaints not seeking damages*—(a) *Form and content.* Informal complaint may be by letter or other writing, and will be serially numbered and filed as of the date of its receipt. No form of informal complaint is suggested, but in substance the letter or other writing (original and one copy shall be filed) must contain the essential elements of a formal complaint as specified in §§ 1.28 and 1.30. It may embrace supporting papers.

* * * * *

§ 1.36 *Motions to dismiss or to make more definite and certain*—(a) *As to complaint.* Defendant may file with his answer, or with his statement under modified or shortened procedure, a motion that the allegations in the complaint be made more definite and certain, such motion to point out the defects complained of and details desired. Defendant may also file with his answer a motion to dismiss a complaint because of lack of legal sufficiency appearing on face of such complaint.

* * * * *

§ 1.40 *Protests against applications.* * * *

(c) *Copies; service.* A protest filed under this section shall be served upon applicant and, unless otherwise specified in the public notice, the original and six copies of the protest shall be filed with the Commission.

* * * * *

§ 1.52 *Modified procedure; copies of pleadings.* The original and six copies of any statement made pursuant to § 1.51 shall be filed with the Commission. Subsequent pleadings are subject to § 1.54.

§ 1.72 *Intervention; petitions*—(d) *Copies; service; replies.* When tendered at the hearing, sufficient copies of a petition for leave to intervene must be provided for distribution as motion papers to the parties represented at the hearing. If leave be granted at the hearing, one additional copy must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and two copies of the petition shall be submitted to the Commission together with a certificate that service in accordance with § 1.22 has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service. In the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

[F. R. Doc. 55-8635; Filed, Oct. 27, 1955; 8:45 a. m.]

[Docket 3666; Order 20]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of October 1955.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that a notice dated July 27, 1955, setting forth certain proposed

amendments to the said regulations and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on August 16, 1955, (20 F R. 5920) pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that no request for hearing and no written views or arguments were submitted to the Commission in favor of or against the proposed amendments; that revision of said proposed amendments to the extent found justified has been made; and that said amendments as so revised are deemed justified and necessary·

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended as set forth below·

It is further ordered, That this order shall become effective December 31, 1955, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 Commodity List (19 F.R. 8524, Dec. 14, 1954) (15 F R. 8263, 8264, 8265, 8266, 8267, 8268, 8269, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acrolein, inhibited	F. L.	No exemption, 73.122	Red	1 quart.
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment.	Cor. L.	No exemption, 73.259	White	6 quarts.
Methylhydrazine	F. L.	No exemption, 73.145	Red	5 pints.
Uns-dimethylhydrazine	F. L.	No exemption, 73.145	Red	5 pints.
Add				
Bombs, incendiary or smoke, without bursting charges. See Special fireworks.				
*Coating solution	F. L.	73.118, 73.132	Red	15 gallons.
Fire extinguisher actuating cartridges	Expl. C.	73.114		150 pounds.
Iodine monochloride	Cor. L.	No exemption, 73.293	White	1 quart.
Methyl iso-propenyl ketone, inhibited	F. L.	73.118, 73.119	Red	10 gallons.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.31 (g) Note 1, amend paragraph (j) (20 F R. 4413, June 23, 1955) (15 F R. 8279, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

NOTE 1. Periodic retests of metal tanks, safety valves, and heater systems, except those in chlorine service and except tanks made to specifications ICC–106A500, 106A-500X, 106A800, 106A800X, 106A800NCI, 107A, or 110A500W may be made at any time during the calendar year the retest falls due.

* * * * *

(j) Before tank cars are loaded, the shipper must examine the tanks and their appurtenances to see that the safety and outlet valves, the safety vents, the excess flow valves (if any) the closures of all openings, and the protective covers of all appurtenances are in proper condition. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during entire time tanks are being loaded. After loading, tanks which show any dropping of liquid contents at the seams or rivets, or with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, must not be offered for transportation until proper repairs have been made.

* * * * *

2. Amend § 73.33 (c) (g) (1) and (k) (1) amend the introductory text of paragraphs (m) add paragraphs (m) (9) (10) (11) and (o) (4) amend paragraph (p) (18 F. R. 6777, Oct. 27, 1953) (16 F R. 11775, Nov. 21, 1951) (15 F R. 8281, 8282, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.33) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* * * *

(c) Any cargo tank of ICC specification MC 320 constructed or put in service on and after February 1, 1942, and prior to May 15, 1950, fulfilling the requirements of that specification may be continued in service for the transportation of any compressed gas for which specification MC 330 (§ 78.336 of this chapter) tanks are authorized if it is retested every five years in accordance with the requirements of paragraphs (k) (2), (3) and (4) of this section: *Provided,* That it is in and can be maintained in safe operating condition for the transportation of that gas, and shall be marked "ICC Specification MC 320" on the plate required by specification MC 330 (§ 78.336 of this chapter)

(g) * * *

(1)

Where these regulations call for specification numbers:	Containers made under the following specifications may also be used:
MC 200	7.2–S–1.
MC 201	7.2.
MC 300	7.3–S–1.2.
MC 301	7.3–S–1.3.
MC 302	7.3–S–1.4.
MC 303	7.3–S–1.5.
MC 310	7.5–S–1.2.
MC 311	MC 310 and 7.5–S–1.2.
MC 330	MC 320.

* * * * *

(k) * * *

(l) Every cargo tank which is constructed in accordance with or fulfilling the requirements of ICC Specification MC 330 shall be tested at least once in every five years in accordance with paragraphs (k) (2) (3) and (4) of this section, except that tanks and safety valves of cargo tanks used for the transportation of chlorine must be retested at intervals of two years or less.

* * * * *

(m) On tanks used for compressed gases (except chlorine for which provisions are made at paragraph (m) (9) to (11) of this section), the bursting strength of any piping and fittings shall be not less than four times the design working pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design working pressure of the tank.

* * * * *

(9) On cargo tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading shall be attached to the angle valves required by § 73.33 (o) (4) except at the time of loading or unloading, nor shall any hose, piping, or tubing used for loading or unloading be mounted on or carried on the vehicle nor shall such devices be considered as part of the cargo tank motor vehicle. On cargo tank motor vehicles for the transportation of chlorine, except at the time of loading or unloading, pipe connections of the angle valves must be closed with screw

plugs, chained or otherwise fastened to prevent misplacement.

(10) Angle valves on chlorine cargo tank motor vehicles shall be tested at not less than 225 p. s. i. g., using dry air or inert gas, before installation of such valves on the cargo tank, and such tests shall be made before each loading. The valves and gasketed joints shall be inspected for leaks, at a pressure of not less than 50 p. s. i. g., after loading and prior to shipment, and such inspections shall be made for each loading. Leaks which are detected shall be corrected before the cargo tank motor vehicle is shipped.

(11) Liquid chlorine pumps shall not be installed on cargo tank motor vehicles used for the shipment of chlorine.

* * * * *

(o) * * *

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of The Chlorine Institute, Inc. Angle valve to conform with Dwg. 6–B–347, dated January 24, 1950; excess-flow valve to conform with Dwg. S–20099–M, dated January 30, 1948. An excess-flow valve shall be installed under each angle valve.

(p) Each tank for chlorine, carbon dioxide and nitrous oxide shall be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 B. t. u. per square foot per degree F differential in temperature per hour. The conductance shall be determined at 60° F. In no event shall less than 4 inches of thickness of insulation be used. Insulation material used on tanks for nitrous oxide shall be noncombustible. Insulation material used on tanks for chlorine shall be corkboard.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.59 (a) (20 F. R. 4413, June 23, 1955) (49 CFR 73.59, 1950 Rev.) to read as follows:

§ 73.59 *Chemical ammunition, explosive.* (a) When chemical elements of ammunition are shipped assembled with their detonating fuzes or bursting charges, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see § 73.330, § 73.350, and § 73.383. For shipment of these articles assembled with their ignition elements or expelling charges but without any detonating or bursting charge see § 73.88 (d)

* * * * *

2. Amend § 73.60 (a) (6) (b) (2) and (d) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.60) to read as follows:

§ 73.60 *Black powder and low explosives.* (a) * * *

(6) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 18 inches long with fiber at least 0.05 inch thick paraffined on outer surface with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) ⅞ inch or more in diameter. Boxes must be completely lined with strong paraffined paper or other suitable waterproofed material without joints or other openings at the bottom or sides. Authorized gross weight not to exceed 65 pounds.

(b) * * *

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside containers which must be cloth or paper bags of capacity not exceeding 25 pounds, net weight, or inside fiber or metal containers having not over 1 pound capacity each, provided the completed shipping package shall be capable of withstanding a drop of 4 feet without rupture of inner or outer containers. The tubes of the box may be eliminated and a single tube as specified in spec. 23F (§ 78.214 of this chapter) may be substituted. The completed package shall not contain more than 50 pounds, net weight, of black powder.

* * * * *

(d) * * *

(2) Spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter). Fiberboard boxes with inside containers which must be strong paper bags of capacity not exceeding 25 pounds. Gross weight must not exceed 65 pounds.

* * * * *

3. Amend § 73.63 (a) (2), introductory text of paragraph (b) paragraphs (c) (1), (2) (d) (2) and (e) (2) (17 F R. 1559, Feb. 20, 1952) (17 F R. 9836, Nov. 1, 1952) (18 F R. 5271, Sept. 1, 1953) (19 F R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* (a) * * *

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 50 pounds each securely closed so as to prevent leakage therefrom. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 73.61 (d) and (e) may be packed in wooden boxes, spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) gross weight not to exceed 140 pounds, or fiberboard boxes, spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), gross weight not to exceed 65 pounds.

* * * * *

(c) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes with inside containers which must be cartridges not exceeding 4 inches in diameter or 8 inches in length, or cartridges not exceeding 5 inches in diameter or 10 inches in length, provided each such cartridge is enclosed alone, or with other cartridges in another strong paper shell and the resulting cartridge dipped in melted paraffin or equivalent material. The length of such completed cartridge shall not exceed 30 inches. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(d) * * *

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(e) * * *

(2) Spec. 12H, 23F, 23G, or 23H (§ 78.209, § 78.214, § 78.218, or § 78.219 of this chapter). Fiberboard boxes. Spec. 23G (§ 78.218 of this chapter) must be packed in an outer container consisting of at least 7-ply heavy Kraft paper (see § 73.25 for additional required marking)

* * * * *

4. Amend § 73.64 (a) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.64) to read as follows:

§ 73.64 *High explosives with no explosive ingredient and propellant explosives, class A.* (a) * * *

(2) Spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes.

* * * * *

5. Amend § 73.65 paragraphs (a) (2) and (h) (2) (17 F. R. 1559, Feb. 20, 1952) (19 F. R. 3259, June 3, 1954 (49 CFR 1950 Rev., 1954 Supp., 73.65) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* (a) * * *

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes.

* * * * *

(h) * * *

(2) Spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes. Gross weight not to exceed 65 pounds.

* * * * *

6. Amend § 73.66 (d) (1), (e) (1) and (g) (1) (19 F R. 3259, June 3, 1954) (20 F R. 949, 950, Feb. 15, 1955) (17 F R. 1559, 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.66) to read as follows:

§ 73.66 *Blasting caps and electric blasting caps.* * * *

(d) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be cartons or wrappings with inside containers as prescribed in paragraph (c) of this section, which must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

(e) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in paragraph (c) of this section, packed in an inside box made of sound lumber, a hermetically sealed metal box of metal not less than 30 gauge United States standard, or a sealed package made of 6-ply Sisalkraft Asphalt Laminated sheeting, or its equivalent; Asphalt Laminated sheeting shall consist of 2 plies of strong fibers, 2 plies of pliable asphalt, and 2 plies of protective cover. The minimum tensile strength shall be 20 pounds per inch width in each direction. The laminated sheet shall have a minimum water resistance of 24 hours and a maximum water permeability of 4 grams per square meter per 24 hours. The inside wooden box, metal box, or sealed package must be separated at all points from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

* * * * *

(g) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or §78.219 of this chapter) fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard tube must not exceed 75 pounds.

* * * * *

7. Amend § 73.67 (a) (1) (19 F R. 3259, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.67) to read as follows:

§ 73.67 *Blasting caps with safety fuse.* (a) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, §78.168, or § 78.185 of this chapter) Wooden boxes (see Note 1 of this paragraph) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in § 73.66 (c) placed in the center of a coil of fuse and secured and cushioned therein to prevent movement therefrom. Gross weight not to exceed 150 pounds.

(No change in Note 1.)

* * * * *

8. Amend § 73.68 (a) (1) (17 F R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.68) to read as follows:

§ 73.68 *Detonating primers.* (a) * * *

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with wires wrapped around the tube or spool. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with the wires wrapped around the tube or spool must not exceed 75 pounds.

* * * * *

9. Amend § 73.88 (d) (17 F R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* * * *

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

* * * * *

10. Amend § 73.91 paragraph (f) (2) (17 F R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.91) to read as follows:

§ 73.91 *Special fireworks.* * * *

(f) * * *

(2) Spec. 12H, 23F or 23H (§78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes. Gross weight not to exceed 65 pounds.

* * * * *

11. Add paragraph (a) (3) to § 73.92 (18 F R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust.* (a) * * *

(3) Spec. 23F (§ 78.214 of this chapter) Fiberboard boxes. Authorized only for igniters, jet thrust, which must be in tightly closed metal containers.

* * * * *

12. Add paragraph (w) to § 73.100 (15 F R. 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definitions of class C explosives.* * * *

(w) Fire extinguisher actuating cartridges consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate the valves on remotely controlled fire extinguishers.

13. Add § 73.114 (15 F R. 8297, Dec. 2, 1950) (49 CFR 73.114, 1950 Rev.) to read as follows:

§ 73.114 *Fire extinguisher actuating cartridges.* (a) Fire extinguisher actuating cartridges must be packed in strong wooden or fiberboard boxes.

(b) Each outside container must be plainly marked "Fire Extinguisher Actuating Cartridges—Handle Carefully"

(c) When shipped as components with fire extinguisher and with not more than 2 cartridges for each extinguisher, they are exempt from Parts 71–78 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraphs (c) (24) and (c) (25) to § 73.118 (15 F R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) * * *

(24) Methylhydrazine.

(25) Uns-dimethylhydrazine.

2. In § 73.122 amend the introductory text of paragraph (a), and amend paragraph (b) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.122, 1950 Rev.) to read as follows:

§ 73.122 *Acrolein, inhibited.* (a) Acrolein must be inhibited and when offered for transportation by carriers by rail freight, highway, or water must be

packed in specification containers as follows:

* * * * *

(b) Acrolein must be inhibited and when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter) Wooden or fiberboard boxes having not more than one inside container of glass not exceeding one quart capacity, securely cushioned within a metal container.

3. Amend § 73.127 (a) (2) add paragraph (a) (4) (20 F R. 4414, June 23, 1955) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) * * *

(2) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter) Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the curl.

* * * * *

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) Metal barrels or drums.

* * * * *

4. In § 73.128 amend the introductory text of paragraph (c) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 *Paints and related materials.* * * *

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

* * * * *

5. In § 73.132 amend the introductory text of paragraph (a) (18 F. R. 5272, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.132) to read as follows:

§ 73.132 *Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.* (a) Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

* * * * *

6. Amend § 73.139 paragraph (a) (1) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.139) to read as follows:

§ 73.139 *Ethylene imine, inhibited.* (a) * * *

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes, with inside containers which must be securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1 pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

7. Add § 73.145 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.145, 1950 Rev.) to read as follows:

§ 73.145 *Methylhydrazine and uns-dimethylhydrazine.* (a) Methylhydrazine and uns-dimethylhydrazine must be packed in specification containers as follows:

(1) Spec. 1D (§ 78.4 of this chapter). Boxed glass carboys.

(2) Spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter). Wooden boxes with inside containers which must consist of glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

(3) Spec. 5, 5A, or 5C (§ 78.80, § 78.81, or § 78.83 of this chapter), or 17E (§ 78.116 of this chapter) (single-trip). Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (a) (15 F R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* (a) Flammable solids and oxidizing materials, except those as enumerated in paragraph (c) of this section, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking and labeling requirements, unless otherwise provided, when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water, name of contents must be marked on outside container. (See paragraph (c) of this section for articles not exempted, § 73.182 for exemptions for nitrates, and paragraph (b) of this section for exemption for organic peroxides.)

* * * * *

2. Amend § 73.176 paragraph (e) and cancel Note 1 (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.176, 1950 Rev.) to read as follows:

§ 73.176 *Matches.* * * *

(e) All individual containers of strike-anywhere matches when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter) Wooden boxes, lined, spec. 2F (§ 78.25 of this chapter), or lined with asbestos board, lapped at all joints and all joints sealed air-tight. Gross weight not to exceed 50 pounds.

(2) Spec. 12C (§ 78.206 of this chapter). Fiberboard boxes with paper-wrapped units of strike-anywhere matches covered with aluminum foil having joints hermetically sealed. Aluminum used for covering must be of such thickness that in the event matches become ignited fire will not communicate through the wrapped unit. Gross weight not to exceed 50 pounds.

* * * * *

3. Amend § 73.184 paragraph (a) (3) (15 F R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) * * *

(3) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chapter) Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3/8 inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the top curl.

* * * * *

4. Amend § 73.191 paragraph (a) (1) (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.191, 1950 Rev.) to read as follows:

§ 73.191 *Phosphorus pentachloride.* (a) * * *

(1) Spec. 11B, 15A, 15B, 15C, 16A, or 19A (§ 78.161, § 78.163, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing; when inside containers are packed in the same outside container with other articles, they must be inclosed in tightly closed metal cans. Net weight of phosphorus pentachloride not over 50 pounds in each outside container.

* * * * *

5. Amend § 73.229 paragraph (c) (20 F R. 950, 951, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.229) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* * * *

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking and labeling requirements when offered for transportation by rail freight or highway and packed as follows:

(1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3) Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength capable of withstanding four 4-foot drops onto solid concrete.

* * * * *

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Cancel paragraphs (c) (49) and (50) in § 73.244 (19 F R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.244)

§ 73.244 *Exemptions for acids and other corrosive liquids.* * * *

(c) * * *

(49) Canceled.

(50) Canceled.

2. Amend § 73.255 paragraph (a) (3) (15 F R. 8315, Dec. 2, 1950) (49 CFR 73.255, 1950 Rev.) to read as follows:

§ 73.255 *Dimethyl sulfate.* (a) * * *

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) Wooden boxes with each box containing a single glass inside container not over 1 quart capacity, closed by ground glass stopper or other equally efficient closure securely fastened in place, and cushioned with incombustible absorbent material in hermetically sealed (soldered) metal can, the can then being cushioned with incombustible cushioning material in the outside container.

* * * * *

3. Amend entire § 73.259 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.259, 1950 Rev.) to read as follows:

§ 73.259 *Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger radio current supply device, or electronic equipment.* (a) Electrolyte, acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment, with only one device or outfit in each such package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment by a strong solid wooden partition.

(2) Spec. 12B (§ 78.205 of this chapter) Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 73.25.

4. Add paragraph (b) (2) to § 73.260 (19 F R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.260) to read as follows:

§ 73.260 *Electric storage batteries.* * * *

(b) * * *

(2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden boxes, when securely cushioned and packed to prevent short circuits; specification container not required. Authorized gross weight 65 pounds.

* * * * *

5. In § 73.266 amend the introductory text of paragraphs (b) (c) and (d) (15 F R. 8318, 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water* * * *

(b) Hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight must be packed in specification containers as prescribed in paragraph (a) of this section or as follows:

* * * * *

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent must be packed in specification containers as prescribed in paragraphs (a) or (b) of this section or as follows:

* * * * *

(d) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent must be packed in specification containers as prescribed in paragraphs (a) (b) or (c) of this section or as follows:

* * * * *

6. Amend § 73.272 paragraph (g) (1) (18 F R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.272) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(g) * * *

(1) Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter) Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for sulfuric acid of 93 percent or greater strength.

(No change in Note 1.)

* * * * *

7. In § 73.276 amend the heading and introductory text of paragraph (a) (19 F R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.276) to read as follows:

§ 73.276 *Anhydrous hydrazine and hydrazine solution.* (a) Anhydrous hydrazine and hydrazine solution containing 50 percent or less of water must be packed in specification containers as follows:

* * * * *

8. Amend § 73.289 paragraphs (a) (2), and (a) (9) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(2) Spec. 103A–W or 103C–W (§ 78.281 or § 78.283 of this chapter) Tank cars. Spec. 103A–W tanks must be of type 316 stainless steel. Tank cars must be stenciled "FOR FORMIC ACID ONLY"

* * * * *

(9) Spec. 1EX (§ 78.6 of this chapter) Carboys in plywood drums.

* * * * *

9. Add § 73.293 (15 F R. 8324, Dec. 2, 1950) (49 CFR 73.293, 1950 Rev.) to read as follows:

§ 73.293 *Iodine monochloride.* (a) Iodine monochloride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes with inside containers not over 1 quart capacity each; or with stone or earthenware jugs not over 1 gallon capacity each.

(b) Outage (vacant space above liquid) for inside containers must be not less than 15 percent.

(c) Inside containers must be securely closed by hermetical sealing or by glass or stone stoppers ground to fit and securely fastened or by screw caps fitted with gaskets of suitable material resistant to the contents.

(d) Inside containers must be securely cushioned on all sides with incombustible cushioning material which will not produce heat when in contact with iodine monochloride.

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.302 paragraph (a) (3) (15 F R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 (Rev.) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) * * *

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and nonflammable and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

* * * * *

2. Amend § 73.306 paragraph (a) (1) (18 F R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.306) to read as follows:

§ 73.306 *Liquified gases, except gas in solution or poisonous gas.* (a) * * *

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B–ET, 25,[1] 26,[1] or 38,[1] also spec. 9, 40, or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.43, § 78.49, § 78.50, § 78.51, or § 78.55, also §78.63, §78.66, or § 78.67 of this chapter) except that mixtures containing carbon bisulfide (disulfide) ethyl chloride, ethlyene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not permitted unless otherwise prescribed in this part. (See §§ 73.34 and 73.301 (g).)

* * * * *

3. In § 73.308 paragraph (a) Table, amend the entry "Vinyl chloride, inhibited" (19 F R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) * * *

Kind o ga.	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used-except as provided in Note 1 and § 73.34 (a) to (c)
Viny chloride, inhibited (see Note 7).....	74	ICC-4B150, without brazed seams; ICC-3BA225 without brazed seams; ICC-3AA150; ICC-3AA150 ICC-25.

* * * * * * *

4. In § 73.314 paragraph (a) Table, amend the entry "Dispersant gas, n. o. s."· amend paragraph (f) (19 F. R. 8528, Dec. 14, 1954) (15 F R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note
Dispersant gas, n. o. s.....	No e 16.....	ICC-103A300 105A300W 105A300X. Note 12; ICC-105A300

* * * * * *

(f) Except as authorized by § 73.8, tank cars made in foreign countries must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.

5. In § 73.315 paragraph (a) (1) Table add the entry "Chlorine"· amend Note 4 and add Note 8 to paragraph (a) (1) Table; add the entry "Chlorine" to paragraph (h) Table; amend the introductory text of paragraph (i), add the entry "Chlorine" to paragraph (i) (2) Table; add paragraph (i) (11) (18 F. R. 6779, 6780, Oct. 27, 1953) (15 F R. 8330, 8331, Dec. 2, 1950) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind o. gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. . g.)
Chlorine.....	125	See Note 7. ..	MC 330.....	225; see Notes 4 and 8.

* * * * *

NOTE 4: A corrosion factor shall be applied in the design of tanks for sulfur dioxide and chlorine. (See § 78.336–3 (a) of this chapter.)

* * * * *

NOTE 8: Chlorine cargo tank motor vehicles may be shipped only if the contents are to be unloaded at one unloading point.

* * * * *

(h) * * *

Kind of gas	Permitted gauging device
Chlorine.....	None.

* * * * *

(i) Each tank shall be provided with one or more safety devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type and they shall be arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent any impingement of escaping gas upon the tank, except that for chlorine tanks, protective housing shall be as required in § 78.336–5 of this chapter, and safety valve as required in subparagraph (11) of this paragraph.

* * * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Chlorine.....	225

* * * * *

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute, Inc. Dwg. D–13105–Rev. "D", dated December 18, 1952.

* * * * *

SUBPART C—POISONOUS ARTICLES: DEFINITION AND PREPARATION

1. Amend § 73.334 entire paragraph (a) (17 F. R. 4295, May 10, 1952) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.334) to read as follows:

§ 73.334 *Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas.* (a) Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 20 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:

(1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240, or 4B240ET (§§ 78.36, 78.37, 78.38, 78.49, 78.50, 78.51, or 78.55 of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.

* * * * *

2. Amend § 73.354 paragraphs (a) (4) and (5), cancel paragraph (c) (16 F R. 9378, Sept. 15, 1951) (20 F. R. 4417, June 23, 1955) (15 F R. 8326, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.354) to read as follows:

§ 73.354 *Motor fuel antiknock compound or tetraethyl lead.* (a) * * *

(4) Spec. 105A300 or 105A300W (§ 78.271 or § 78.286 of this chapter). Tank cars. Stenciled on both sides of the tanks, "FOR MOTOR FUEL ANTI-KNOCK COMPOUND ONLY" Tank cars not authorized for tetraethyl lead.

(5) Spec. MC 300, MC 301, MC 302, MC 303, or MC 330 (§ 78.321, § 78.322, § 78.323, § 78.324 or § 78.336 of this chapter). Tank motor vehicles. Tank motor vehicles not authorized for tetraethyl lead.

* * * * *

(c) [Canceled.]

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Add paragraphs (a) (13), and (b) (1) to § 73.402 (15 F. R. 8341, Dec. 2, 1950) (49 CFR 73.402, 1950 Rev.) to read as follows:

§ 73.402 *Labeling dangerous articles.* (a) * * *

(13) Labels prescribed for shipments of explosives and other dangerous articles by air between the United States, its territories and possessions, and other countries, as shown in §§ 73.405 (b) 73.406 (b) 73.407 (b) 73.408 (b) 73.409 (b) 73.410 (b) 73.411 (b) 73.412 (b) and 73.414 (c), may be used in lieu of labels otherwise prescribed and for local transportation to or from airports.

(b) * * *

(1) Labels prescribed for shipments of explosives or other dangerous articles by air between the United States, its territories, possessions and other coun-

tries as shown in § 73 405 (b) § 73 406 (b) § 73 407 (b), § 73 408 (b) § 73 409 (b) § 73 410 (b) § 73 411 (b), § 73 412 (b), and § 73 414 (c) are authorized Such shipments must be tendered with a signed certificate, in duplicate, reading as follows: (one signed copy shall accompany each shipment and the other signed copy shall be retained by the original carrier):

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board (For shipment on passenger carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft)

* * * * *

2 Add paragraph (b) to § 73 405 (15 F R 8341, Dec 2 1950) (49 CFR 73 405 1950 Rev) to read as follows:

§ 73 405 *Flammable liquids label* * * *

(b) Red label for flammable liquids for shipment by air

Red and black with (black printing on red)

3 Add paragraph (b) to § 73 406 (15 F R 8341 Dec 2 1950) (49 CFR 73 406, 1950 Rev) to read as follows:

§ 73.406 *Flammable solids and oxidizing materials label* * * *

(b) Yellow label for flammable solids for shipment by air

Yellow and black with (black printing on yellow)

4 Add paragraphs (b) (1), (2) and (3) to § 73 407 (15 F R. 8342, Dec 2, 1950) (49 CFR 73 407 1950 Rev) to read as follows:

§ 73 407 *Acids, corrosive liquids and alkaline caustic liquids labels.* * * *

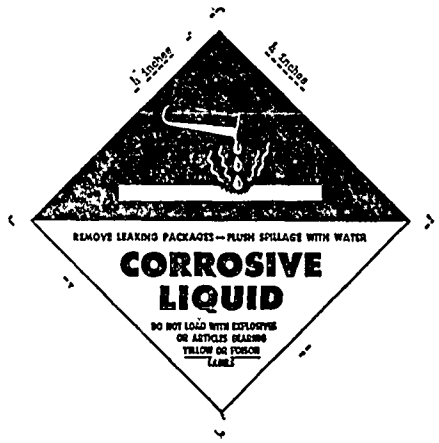
(b) Labels for shipments of acids corrosive liquids and alkaline caustic liquids by air must be as shown in the following:

(1) White label for acids for shipment by air

White and black with (black printing on white)

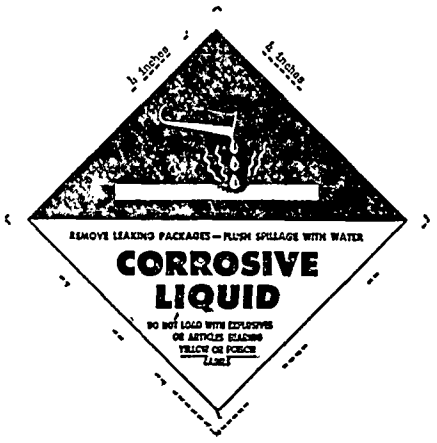
(2) White label for corrosive liquids for shipment by air

White and black with (black printing on white)



(3) White label for alkaline caustic liquids for shipment by air

White and black with (black printing on white)



5 Add paragraphs (b) and (b) (1) to § 73 408 (15 F. R 8342 Dec 2 1950) (49 CFR 73 408 1950 Rev) to read as follows:

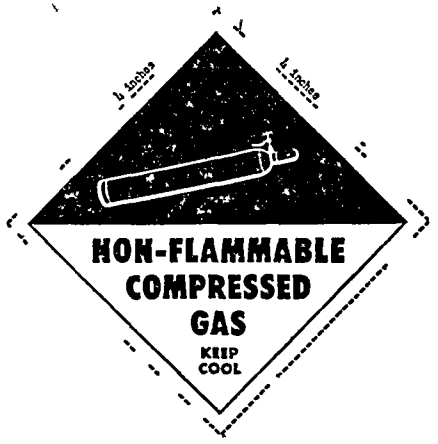
§ 73 408 *Compressed gas labels* * * *

(b) Red label for flammable gases for shipment by air

Red and black with (black printing on red)

(1) Green label for nonflammable gases for shipment by air

Green and black with (black printing on green)



6 Add paragraphs (b) (1), (2) and (3) to § 73.409 (15 F. R 8342, Dec 2, 1950 (49 CFR 73.409 1950 Rev) to read as follows:

§ 73.409 *Poisonous articles and tear gas, labels* * * *

(b) Labels for shipments of poisonous articles and tear gases by air must be as shown in the following:

(1) Label for poison gas for shipment by air

White and red with (red printing on white)

(2) Label for poisons for shipment by air

White and red with (red printing on white)

(3) Label for tear gas for shipment by air

White and red with
(red printing on white)

7. Add paragraph (b) to § 73.410 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.410, 1950 Rev.) to read as follows:

§ 73.410 *Special fireworks label* * * *

(b) Explosives label for shipment of special fireworks by air

(Black printing on red)

8. Add paragraph (b) to § 73.411 (15 F. R. 8342, Dec. 2, 1950) (49 CFR 73.411, 1950 Rev.) to read as follows:

§ 73.411 *Explosives samples for laboratory examination label* * * *

(b) Explosives label for shipment of samples of explosives by air.

(Black printing on red)

9. Add paragraph (b) to § 73.412 (17 F. R. 1563, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.412) to read as follows:

§ 73.412 *Propellant explosives label for express shipment* * * *

(b) Explosives label for shipment of propellant explosives by air

(Black printing on red)

10. Add paragraph (c) to § 73.414 (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) to read as follows:

§ 73.414 *Radioactive materials labels* * * *

(c) Label for Radioactive Materials Groups I and II for shipment by air

Red and white with (red printing on white)

(1) Label for Radioactive Materials Group III for shipment by air

Blue and white with (blue printing on white)

SUBPART I—SHIPPING INSTRUCTIONS

Add paragraph (c) to § 73.430 (15 F. R. 8344, Dec. 2, 1950) (49 CFR 73.430, 1950 Rev.) to read as follows:

§ 73.430 *Certificate.* * * *

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passengeg carrying aircraft.)

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. Amend § 74.529 paragraph (b) (15 F R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:

§ 74.529 *Cars for class B explosives.* * * *

(b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "Dangerous" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.

* * * * *

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

2. Amend footnote c to paragraph (a) Table in § 74.538 (15 F R. 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

c Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

In § 77.823 amend the introductory text of paragraph (d) (15 F R. 8364, Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 *Marking on motor vehicles and trailers other than tank motor vehicles.* * * *

(d) *Tank motor vehicles.* Every cargo tank used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank with words as appropriate "Compressed Gas" or "Flammable Compressed Gas" in letters at least 6 inches high; and in letters at least 2 inches high with the commonly accepted name, such as "Anhydrous Ammonia" "Carbon Dioxide" "Chlorine" "Liquefied Petroleum Gas" "Nitrous Oxide" or "Sulphur Dioxide"

* * * * *

SUBPART B—LOADING AND UNLOADING

Add paragraphs (e) and (f) to § 77.840 (15 F R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

§ 77.840 *Compressed gases.* * * *

(e) Chlorine cargo tanks shall be shipped only when equipped (1) with a gas mask of a type approved by the U. S. Bureau of Mines for chlorine service; (2) with an emergency kit for controlling leaks in fittings on the dome cover plate.

(f) No chlorine tank motor vehicle used for transportation of chlorine shall be moved, coupled or uncoupled, when any loading or unloading connections are attached to the vehicle, nor shall any semi-trailer or trailer be left without the power unit unless such semi-trailer or trailer be checked or equivalent means be provided to prevent motion.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend footnote c to paragraph (a) Table in § 77.848 (15 F. R. 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART C—SPECIFICATIONS FOR CYLINDERS

Amend § 78.38–12 paragraph (c) (15 F R. 8387, Dec. 2, 1950) (49 CFR 78.38–12, 1950 Rev.) to read as follows:

§ 78.38 *Specification 3B; seamless steel cylinders.*

§ 78.38–12 *Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings.* * * *

(c) Straight threads having at least 4 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. In § 78.80–11 amend the introductory text of paragraph (a) (15 F R. 8433, Dec. 2, 1950) (49 CFR 78.80–11, 1950 Rev.) to read as follows:

§ 78.80 *Specification 5, steel barrels or drums.*

§ 78.80–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

2. In § 78.81–11 amend the introductory text of paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–11, 1950 Rev.) to read as follows:

§ 78.81 *Specification 5A, steel barrels or drums.*

§ 78.81–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

3. In § 78.82–11 amend the introductory text of paragraph (a) (15 F R. 8434, Dec. 2, 1950) (49 CFR 78.82–11, 1950 Rev.) to read as follows:

§ 78.82 *Specification 5B; steel barrels or drums.*

§ 78.82–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

4. Amend § 78.83–9 (c) and (d), and add paragraph (e), in § 78.83–11 amend the introductory text of paragraph (a) (19 F R. 1285, Mar. 6, 1954) (17 F R. 4297, May 10, 1952) (15 F R. 8435, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.83–9, 78.83–11) to read as follows:

§ 78.83 *Specification 5C; steel barrels or drums.*

§ 78.83–9 *Closures.* * * *

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 9/16 inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place. Except that for containers not over 15 gallons marked capacity the seat (flange, etc.) for plug or cap may have at least 3 complete threads and plug or cap sufficient

length of thread to engage 3 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.83–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

5. In § 78.84–11 amend the introductory text of paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84–11, 1950 Rev.) to read as follows:

§ 78.84 *Specification 5D; steel barrels or drums, lined.*

§ 78.84–11 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

6. In § 78.85–10 amend the introductory text of paragraph (a) (15 F. R. 8437, Dec. 2, 1950) (49 CFR 78.85–10, 1950 Rev.) to read as follows:

§ 78.85 *Specification 5F; steel drums.*

§ 78.85–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

7. In § 78.87–11 amend the introductory text of paragraph (a) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–11, 1950 Rev.) to read as follows:

§ 78.87 *Specification 5H, steel barrels or drums, lead lined.*

§ 78.87–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

8. Amend § 78.88–8 (c) and (d) add paragraph (e) in § 78.88–10 amend the introductory text of paragraph (a) (19 F R. 6272, Sept. 29, 1954) (15 F R. 8439, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.88–8, 78.88–10) to read as follows:

§ 78.88 *Specification 5K, nickel barrels c. drums.*

§ 78.88–8 *Closures.* * * *

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches in diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.88–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

9. In § 78.89–9 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.89–9, 1950 Rev.) to read as follows:

§ 78.89 *Specification 5L, steel barrels or drums.*

§ 78.89–9 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

10. Amend entire § 78.90–8; in § 78.90–10 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (19 F R. 6273, Sept. 29, 1954) (18 F. R. 806, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp. 78.90–8, 78.90–10) to read as follows:

§ 78.90–8 *Closures.* (a) Adequate to prevent leakage. Closure must be of screw-thread type or fastened by screw-thread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

Note 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

[Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.90–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

11. In § 78.91–11 amend the introductory text of paragraph (a) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91–11, 1950 Rev.) to read as follows:

§ 78.91 *Specification 5X, steel drums, aluminum lined.*

§ 78.91–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

12. In § 78.97–9 amend the introductory text of paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97–9, 1950 Rev.) to read as follows:

§ 78.97 *Specification 6A, steel barrels or drums.*

§ 78.97–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

13. In § 78.98–9 amend the introductory text of paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98–9, 1950 Rev.) to read as follows:

§ 78.98 *Specification 6B; steel barrels or drums.*

§ 78.98–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

14. In § 78.99–9 amend the introductory text of paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99–9, 1950 Rev.) to read as follows:

§ 78.99 *Specification 6C; steel barrels or drums.*

§ 78.99–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

15. In § 78.100–9 amend the introductory text of paragraph (a) (15 F R. 8445, Dec. 2, 1950) (49 CFR 78.100–9, 1950 Rev.) to read as follows:

§ 78.100 *Specification 6J steel barrels and drums.*

§ 78.100–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

16. In § 78.101–9 amend the introductory text of paragraph (a) (15 F R. 8445, Dec. 2, 1950) (49 CFR 78.101–9, 1950 Rev.) to read as follows:

§ 78.101 *Specification 6K, steel barrels or drums.*

§ 78.101–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

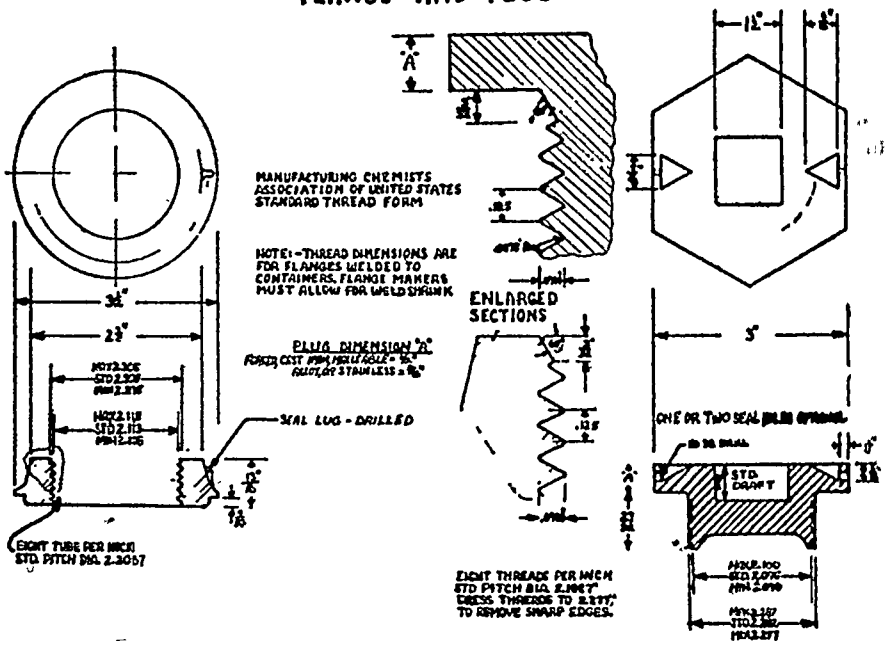
17. Amend § 78.107–7 (b) (15 F R. 8446, Dec. 2, 1950) (49 CFR 78.107–7, 1950 Rev.) to read as follows:

§ 78.107 *Specification 42B; aluminum drums.*

§ 78.107–7 *Closures.* * * *

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

FLANGE AND PLUG



[Drawing is the same as shown in § 78.107–7 (b)]

18. Amend § 78.108–7 (b) (15 F R. 8446, Dec. 2, 1950) (49 CFR 78.108–7, 1950 Rev.) to read as follows:

§ 78.108 *Specification 42C; aluminum barrels or drums.*

§ 78.108–7 *Closures.* * * *

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

[Drawing is the same as shown in § 78.107–7 (b)]

19. Amend § 78.109–7 (b) (15 F R. 8447, Dec. 2, 1950) (49 CFR 78.109–7, 1950 Rev.) to read as follows:

§ 78.109 *Specification 42D; aluminum drums.*

§ 78.109–7 *Closures.* * * *

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two 5/16 inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

[Drawing is the same as shown in § 78.107–7 (b)]

20. In § 78.110–8 amend the introductory text of paragraph (a) (17 F R. 7286, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.110–8) to read as follows:

§ 78.110 *Specification 42F; aluminum barrels or drums.*

§ 78.110–8 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

21. In § 78.115–10 amend the introductory text of paragraph (a) (15 F. R. 8448, Dec. 2, 1950) (49 CFR 78.115–10, 1950 Rev.) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–10 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

22. Amend § 78.116–7 (a) in § 78.116–10 amend the introductory text of paragraph (a) (20 F R. 955, Feb. 15, 1955) (15 F R. 8449, Dec. 2, 1950) (49 CFR 78.116–7, 78.116–10, 1950 Rev.) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

§ 78.116–7 *Convex heads.* (a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over. Convexity to be minimum of 3/8"

§ 78.116–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or

die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

23. In § 78.117–11 amend the introductory text of paragraph (a) (15 F R. 8449, Dec. 2, 1950) (49 CFR 78.117–11, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F· steel drums.*

§ 78.117–11 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

* * * * *

24. Amend the heading of § 78.118; in § 78.118–10 amend the introductory text of paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118, 78.118–10, 1950 Rev.) to read as follows:

§ 78.118 *Specification 17H, steel drums.* Single-trip container. Removable head required.

§ 78.118–10 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

25. In § 78.130–8 amend the introductory text of paragraph (a) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130–8, 1950 Rev.) to read as follows:

§ 78.130 *Specification 37K, steel drums.*

§ 78.130–8 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

26. In § 78.131–9 amend the introductory text of paragraph (a) (20 F. R. 4419, June 23, 1955) (49 CFR 78.131–9, 1950 Rev.) to read as follows:

§ 78.131 *Specification 37A, steel drums.*

§ 78.131–9 *Marking.* (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

27. In § 78.132–9 amend the introductory text of paragraph (a) (20 F. R. 4419, 4420, June 23, 1955) (49 CFR 78.132–9, 1950 Rev.) to read as follows:

§ 78.132 *Specification 37B; steel drums.*

§ 78.132–9 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

* * * * *

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

1. In § 78.165–8 (a) Table, amend the column heading "Tops and bottoms" by inserting the figure 2 after the last word; add footnote 2 to paragraph (a) Table (15 F R. 8460, Dec. 2, 1950) (49 CFR 78.165–8, 1950 Rev.) to read as follows:

§ 78.165 *Specification 14; wooden boxes nailed.*

§ 78.165–8 *Parts and dimensions.* (a) * * *

Tops and bottoms.[2]
* * * * *

2. In § 78.205–9 amend the introductory text of paragraph (a) add § 78.205–31 (19 F R. 3262, June 3, 1954) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–9, 78.205–31, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

§ 78.205–9 *Types authorized.* (a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in §§ 78.205–19 to 78.205–31.

* * * * *

§ 78.205–31 *Special box; authorized only for commodities where spec. 12B is prescribed in Part 73 of this chapter.* (a) Box shall have not more than 1 inside glass container having screw cap closure or metal container not exceeding 32 ounces or 2 pounds net weight, which must fit snugly or be adequately cushioned to prevent movement. Box shall comply with this specification and be of one-piece folder type, so designed as to form double thickness of corrugated board on top, bottom, and ends. Fiberboard used in construction of the box shall have a minimum strength of 200 pounds per square inch, but for gross weight exceeding 8 pounds, the box must be constructed of at least 275-pound per square inch test fiberboard (Mullen or Cady) Closure must be equal in efficiency to that prescribed in § 78.205–17.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Add § 78.209 (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.209, 1950 Rev.) to read as follows:

§ 78.209 *Specification 12H, fiberboard boxes.*

[2] Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of 1/8" and free of breaks, gaps, holes, or knots. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.

§ 78.209–1 *Compliance.* (a) Required in all details.

§ 78.209–2 *Definitions.* (a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of parts of box are visible, except joints, when box is closed.

§ 78.209–3 *Classification of board.* (a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimum authorized.

Classified strength[1] of completed board	Facings for corrugated fiberboard	
	Double-faced—Minimum combined weight of facings (pounds per 1,000 sq. ft.)	Double-wall—Minimum combined weight of facings including center liner (pounds per 1,000 sq. ft.)
175	75	
200	84	92
275	123	113
325	123	110
350	150	125
375	150	150
400	150	150
420	150	150

[1] Mullen or Cady test (minimum).

§ 78.209–4 *Corrugated fiberboard* (a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.209–5 *Stitching staples.* (a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least 9/32" x 0.019", or equal cross section, formed into staples about 7/16" wide.

§ 78.209–6 *Tape.* (a) Used for manufacturers' joints must be coated with glue at least equal to No. 1¾ Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units. Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 80 pounds per ream (500 sheets, 24" x 36") sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

§ 78.209–7 *Test.* (a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity) under test as follows:

(1) Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be retested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength, the board is acceptable.

(4) For corrugated fiberboard, double-pop tests may be disregarded.

§ 78.209–8 *Type authorized.* (a) Shall be of corrugated fiberboard, telescoping type, 1-piece or 3-piece construction without recessed heads, as follows:

(1) Box to consist of top and bottom sections divided equally or unequally and inner lining tube. The lining tube must be staple stitched to the lower section of the box to give in effect a 2-piece box. (See § 78.209–11.)

(2) Box to consist of full depth top and bottom sections completely telescoping. No inner lining tube required. Two variations are authorized, one with bottom slotted on ends and cover on sides, second, with both cover and bottom slotted on sides.

(3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209–11. Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch.

§ 78.209–9 *Forming.* (a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.

§ 78.209–10 *Joints.* (a) Lapped 1½" and stitched at 2½" intervals and within 1" of each end of joint; body joints must be double-stitched (2 parallel rows of stitches)

(b) For glued lap joint, the sides of box forming joint must lap not less than 1¼" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

(c) For lining tubes only, one butt joint taped (see § 78.209–6) tape not less than 3" wide is authorized.

§ 78.209–11 *Authorized gross weight and parts required.* (a) Box shall be corrugated fiberboard at least 275 pound test. Tubes, when required, shall be of solid fiberboard at least 200-pound test, or of corrugated fiberboard of at least 275-pound test, with adjoining edges stitched, taped, or glued.

(b) Authorized gross weight: 65 pounds.

§ 78.209–12 *Closing for shipment.* (a) The cover of telescoping type boxes shall be secured to the bottom by application of single strips of tape, not less than ½" wide, to the sides and in a vertical manner; two strips, one on each side for containers 18" in length or under· four strips, two on each side, minimum for containers over 18" in length. On boxes with divided covers the taping shall start within 1" of the topside score and extend to within 1" of the side-bottom score and in no case shall the strips be less than 4" in length. On boxes with full depth covers the tape shall be at least 4" in length disposed equally on side and bottom.

(1) Tape used for closing must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F No solvent or heat shall be necessary to activate the adhesive. The tape must be manufactured of material which will not delaminate or separate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F., and which will not lose its strength, delaminate or become brittle at 0° F

(2) Water activated tapes are authorized when approved by the Bureau of Explosives.

(3) Other tape equal in efficiency and capable of withstanding drop and drum tests prescribed in § 78.209–16 are authorized.

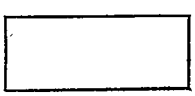
(b) For 1-piece or 3-piece type boxes as prescribed in § 78.209–8 (a) (3) by coating with adhesive at least 50 percent of the entire contact surface of the closing flaps or by one of the following methods:

(1) By stitching at 2½" intervals along all seams (one 5" space allowed when necessary to permit use of stitching device)

(2) By not less than three strips of paper tape having a minimum width of 2" Paper tape must be coated with glue, be of 2 sheets Kraft paper laminated with asphaltic or resin combined with synthetic, glass, or natural fibers satisfactorily dispersed therein, and at least equal to that prescribed in § 78.209–6 (a) One strip to be applied approximately equal distance across the top face of box over the seam, formed by abutting or overlapping outer flaps and extended onto the side panels a minimum distance of 1" beyond the top score line. The 2 other strips shall be placed parallel and approximately equal distance over the joint formed by the top flaps and the side; each strip shall cover a minimum of 30 percent of the center part of this joint.

(c) In addition to the method prescribed in paragraph (a) boxes authorized by § 78.209–8 (a) (1) may be closed by securing the upper and lower sections of the container together by application of one single strip of tape not less than 1" wide, exclusive of manufacturer's joint, disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½" minimum. The tape shall be pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width.

§ 78.209–13 *Marking.* (a) On each container. Symbol in rectangle as follows:



(1) Stars to be replaced by authorized gross weight (for example ICC–12H65) This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name and address of plant making the container; symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in paragraph (a) of this section.

(3) Size of markings. At least ½" high.

§ 78.209–14 *Special tests.* (a) By whom and when. By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight, above and below 35 pounds gross. Report of results, with all pertinent data, to be maintained on file for one year· copy to be filed with the Bureau of Explosives.

§ 78.209–15 *Material.* (a) Box material must comply with requirements of §§ 78.209–3, 78.209–4, 78.209–7, 78.209–11, and the following:

(b) Box material must test strength and moisture content not over 30 percent as follows:

(1) Box material must test at least 200 pounds per square inch immediately after exposure for 3 days to 90 percent relative humidity of not less than 70° nor more than 75° F

(2) Box material must test at least 100 pounds per square inch immediately after it has been in contact with water for 3 hours under 3" head at not less than 70° nor more than 75° F

§ 78.209–16 *Completed container* (a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent relative humidity at not less than 70° nor more than 75° F., loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in the same manner as for shipment:

(1) Three loaded samples to be tested. Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.

(2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 1½"

(3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of ½"

(b) As an alternate to the drum test specified in paragraph (a) 3 loaded samples must pass the drop test specified below·

(1) Box shall be dropped from height of 2 feet.

(2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1–2 identifies the edge where the top and right side meet and 2–5 the edge having the manufacturer's

joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1–2–5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1–2–5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2–5)

(3) An edge drop on the next shortest edge radiating from that corner (usually 1–5)

(4) An edge drop on the longest edge radiating from that corner (usually 1–2)

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6)

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4)

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3)

(10) A flatwise drop on the opposite large face.

This completes one cycle of ten drops. Commence the next cycle, with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3–4–6. Commence the third cycle of ten drops with corner 1–4–5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

2. Amend § 78.214–11 paragraph (a) (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.214–11, 1950 Rev.) to read as follows:

§ 78.214 *Specification 23F· fiberboard boxes.*

§ 78.214–11 *Joints.* (a) Lapped 1½" except as in § 78.214–12; stitched at 2½" intervals and within 1" of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18" long; or lapped not less than 1¼" and firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

3. Amend § 78.219–7 paragraph (a) amend § 78.219–11 paragraph (b) (17 F. R. 1564, Feb. 20, 1952) (19 F. R. 6275, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., § 78.219–7, § 78.219–11) to read as follows:

§ 78.219 *Specification 23H, fiberboard boxes.*

§ 78.219–7 *Type authorized.* (a) Of solid fiberboard, telescoping type construction without recessed heads. Box to consist of top and bottom sections, divided equally or unequally, and inner lining tube or full depth cover 2-piece telescope type in which case the lining tube may be omitted. The lining tube, when required, must be staple stitched to the lower section of the box to give in effect a 2-piece box.

§ 78.219–11 *Authorized gross weight (when packed) and parts required.* * * *

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents will consist of 1 cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight. Boxes of 2-piece telescope type having full depth cover are authorized for 65 pounds gross weight.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend § 78.250–5 paragraph (a) (3) (20 F. R. 955, Feb. 15, 1955) (49 CFR 78.250–5, 1950 Rev.) to read as follows:

§ 78.250 *Specification 55, metal-encased, lead-shielded, radioactive materials container*

§ 78.250–5 *Marking.* (a) * * *

(3) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.280 paragraph ICC–9 (b) add paragraph AAR–9 (b) (15 F. R. 8503, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks, Class ICC–103–W* * * *

ICC–9. *Expansion dome.* * * *

ICC–9. (b) The opening in the manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 23 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

* * * * *

AAR–9. (a) * * *

AAR–9. (b) Tank shell reinforcement at dome opening see Figure 24 Appendix C.

* * * * *

2. In Part 78, Subpart I, Appendix C, replace Figures 24, 24A, and 24B with new Figure 24, including Notes 1 to 5 thereto (15 F. R. 8538, Dec. 2, 1950) (16 F. R. 5340, 5341, June 6, 1951) (49 CFR 1950 Rev., 1954 Supp., Part 78, Subpart I, Appendix C) as follows:

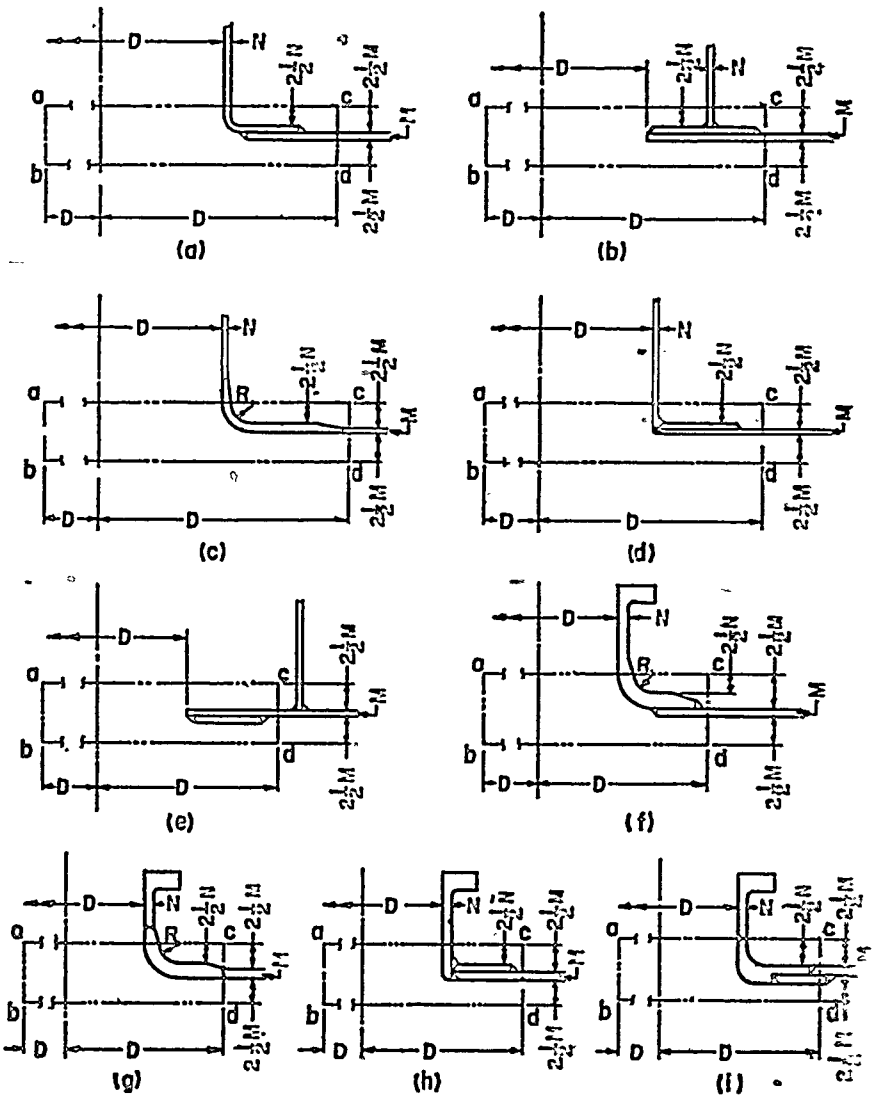


FIGURE 24—Acceptable designs for reinforced openings in tank shell. Other approved designs permitted for type (c), (f) and (g), see note 2.

NOTE 1. Reinforcement in tank shell shall be calculated by the following method:

Area available within the rectangle $abcd$ ----------=------
Area required=$2DTe$----------=------
Excess area----------=------

D= diameter of opening in tank shell, or diameter of the dome (or nozzle), whichever is least.
d= inside diameter of tank.
E= joint efficiency for tank shell 0.90.
e= 0.90 when opening is in solid plate or flued type reinforcement.
e= 1.00 when opening intersects any joint in the tank shell.
M= actual tank shell thickness.
N= actual dome or nozzle wall thickness.
P= bursting pressure in pounds per square inch.
R= corner radius of flued type reinforcement.
S= ultimate tensile strength in pounds per square inch (see table A, following Note 5, below)
T= calculated shell thickness required $=\frac{Pd}{2SE}$

NOTE 2: The boundary of reinforcement zone shall be determined as follows:

The length ac or bd shall be equal to the diameter of the opening in the tank shell, see figure 24 (b) and (e), or the diameter of the dome (or nozzle), whichever is least, on each side of the axis of the opening. The dimension ab or cd shall not exceed $2\frac{1}{2}$ times the actual shell thickness, or $2\frac{1}{2}$ times the dome shell (or nozzle) wall thickness plus the thickness of any added reinforcement, whichever is least, above and below the tank shell; except that for reinforcement flued from solid plate, this dimension may be equal to the corner radius R above the reinforcement, but must not exceed 3 inches. When the dome shell is located outside the reinforcement boundary $abcd$, as shown in figure 24 (e), only $2\frac{1}{2}M$ shall determine the dimension above and below the tank shell.

NOTE 3: The required reinforcement area shall be provided in all planes passing through the center of the opening and normal to the tank surface.

NOTE 4: Any weld metal within the boundary of reinforcement may be included as area available.

NOTE 5: No metal added as corrosion allowance may be considered as reinforcement.

TABLE A—MAXIMUM STRESS(ES) TO BE USED IN CALCULATIONS

Material specification	Tensile strength minimum	Elongation in 2 inches minimum percent
Group 1		
AAR M-115	55,000	20
ASTM A-285 Grade C	55,000	20
ASTM A-212 Grade A	65,000	20
ASTM A-212 Grade B	70,000	20
ASTM A-201 Grade A	55,000	25
Group 2		
ASTM B-178 Alloy 996A	9,500	25
ASTM B-178 Alloy 990A	11,000	28
ASTM B-178 MI A	14,000	23
ASTM B-178 Alloy GS 11A	24,000	5
ASTM B-178 Alloy GR 20A	25,000	18
ASTM B-178 Alloy GR 40A	30,000	18
Group 3		
ASTM A-240 Grade A	65,000	22
ASTM A-240 Grade B	70,000	22
ASTM A-240 Grade C	75,000	30
ASTM A-240 Grade D	70,000	22
ASTM A-240 Grade M	75,000	30
ASTM A-240 Grade O	60,000	25
ASTM A-240 Grade S	75,000	30
ASTM A-240 Grade T	75,000	30

TABLE A—MAXIMUM STRESS(ES) TO BE USED IN CALCULATIONS—Continued

Material specification	Tensile strength minimum	Elongation in 2 inches minimum percent
Group 4		
ASTM B-162	40,000	20
Grade M1 modified .03 carbon maximum	70,000	30
Grade S modified .03 carbon maximum	70,000	30

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. Add § 78.325 (15 F R. 8554, Dec. 2, 1950) (49 CFR 78.325, 1950 Rev.) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100° F*

§ 78.325-1 *Scope.* (a) This specification is primarily intended to apply to the design and construction of new cargo tanks of tank motor vehicles to be used for the transportation of flammable liquids or poisonous liquids class B, having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute (18 psia) or more at 100° F., but less than those stated in § 73.300 of this chapter, in defining compressed gases.

§ 78.325-2 *Existing tank motor vehicles continuing in service.* (a) Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids class B, which shall have been in service prior to the effective date of this order may be continued in service and may be used for the transportation of materials specified in § 78.325-1, provided that they have been designed and constructed in accordance with specifications MC 300, 301, 302, or 303, and provided further that such tanks can and do, within three months of the effective date of this order, successfully pass the tests prescribed in § 78.325-5.

§ 78.325-3 *New tank motor vehicles.* (a) Except as provided elsewhere in these regulations, every new cargo tank manufactured on or after (three months after the effective date of the order) for the transportation of any flammable liquid or poisonous liquid Class B, having a Reid (ASTM D-323) vapor pressure of 18 psia or higher at 100° F shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in such transportation by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of this specification by his own tests and examinations, he shall similarly retain the test and examination data.

§ 78.325-4 *Marking of cargo tanks.* (a) *Metal identification plate.* There shall be on every cargo tank complying with all requirements of this specification a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number
Manufacturer's Name
Date of Manufacture
ICC MC 304

Design working pressure---------- p. s. i. g.
Test pressure---------- p. s. i. g.
Nominal tank capacity------- U. S. gallons.
(In compartments of --, --, --, --, and -- U. S. gallons)

(b) Existing tanks not meeting all requirements of this specification and continuing in service in accordance with § 78.325-2 shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

(c) Test date and pressure markings. The date of the last test or retest of the type required by this specification shall be painted on the tank in letters not less than one and one-fourth inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of § 78.325-4. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 p. s. i. g. in accordance with § 78.325-2.

(d) All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(e) Certification by markings. The markings specified in paragraphs (a), (c) and (d) in § 78.325-4 shall serve to certify that the tank complies with all requirements of this specification.

§ 78.325-5 *Test and retest requirements.*—(a) *Method of testing and retesting.* For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all requirements of this specification and continuing in service in accordance with the provisions of § 78.325-2 (see § 78.325-4 (b) regarding marking of such tanks), the standard test pressure for each required initial test and retest shall be 50 pounds per square inch gauge (50 p. s. i. g.) For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required initial test and retest shall be 40 pounds per square inch gauge (40 p. s. i. g.)

(1) Every cargo tank, and all piping, valves, and other accessories thereof

which are subject to the pressure of the tank contents, except safety valves, shall be tested and retested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified.

The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 minutes. While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. The tank lagging and its jacket, if installed, need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design working pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

(b) *Times of testing and retesting.* The test specified in § 78.325–5 (a) shall be made or repeated on each cargo tank used for the transportation of materials specified in § 78.325–1 under the following circumstances, and such tanks as do not pass the test shall be withheld from service until the required tests have been made on such tanks and passed successfully:

(1) Whenever any tank, new or old, is acquired by a motor carrier;

(2) On each existing tank continuing in service in accordance with § 78.325–2, which tank has not been so tested within 21 months of the effective date of this order. The test required by § 78.325–2 shall be made within three months of the effective date of this order;

(3) On each tank which has been out of service for one year or longer;

(4) When or before the test date required by § 78.325–4 to be painted on the tank is five years old;

(5) When or before the test date required by § 78.325–4 to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in § 78.325–2;

(6) After the tank concerned has been involved in any accident in which the tank or any of its associated parts has been damaged in a manner likely to affect the safety of operation of the vehicle, or in which the damage to the vehicle is such as to make the safety of the tank uncertain;

(7) When required by the Commission, in its discretion, on the showing of probable cause of the necessity for testing or retesting.

§ 78.325–6 *Requirements for design and workmanship.* (a) Tanks constructed in accordance with this specification shall be of circular cross section and all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Non-malleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. Joints in the tank structure may be made by welding, and may be reinforced where desired. Care shall be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by the 1952 edition of the ASME Code for Unfired Pressure Vessels. A certification from the material supplier will suffice as evidence of compliance with this requirement.

(c) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.325–7 *Design working pressure.* (a) The design working pressure of each tank shall be not less than 25 pounds per square inch gauge (25 p. s. i. g.).

§ 78.325–8 *Minimum thickness of material.* (a) Tanks for this service may be constructed of mild steel, high tensile steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulae, nor less than those specified in paragraph (d) of § 78.325–8.

$$\text{Thickness of shell} = T_s = \frac{PD}{2SE_s}$$

$$\text{Thickness of heads} = T_h = \frac{0.85PL}{SE_h},$$

(for pressure on concave side only)

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

T_h = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.

P = Design pressure or maximum allowable working pressure, pounds per square inch. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.

D = Inside diameter of shell, inches.

L = Inside crown radius of head, inches.

S = Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tensile strength.

E_s = Lowest efficiency of any longitudinal joint in shell.

E_h = Lowest efficiency of any joint in head.

The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent excessive distortion.

(b) Corrosion allowance: Vessels or parts of vessels subject to thinning by corrosion, erosion, or mechanical abrasion shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulae, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) Other loadings: In addition to the material requirements as specified in paragraphs (a) and (b) of § 78.325–8, vessels shall be provided with stiffeners or other additional means of support if necessary to prevent overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents.[1]

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) Minimum thicknesses of mild steel tank sheets in U. S. standard gauges. (These thicknesses are to be multiplied by 1.44 for aluminum.)

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads and baffles	14	13	12	11	10	9	8
SHELL							
Distance between attachments of bulkheads, baffles or other shell stiffeners:							
36 inches or less	14	14	14	13	12	11	10
Over 36 inches to 54 inches	14	14	13	12	11	10	9
Over 54 inches to 69 inches	14	13	12	11	10	9	8

[1] For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32828 pounds.

All material used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

	Steel—All vessel parts	Aluminum	
		Heads, bulkheads, baffles and other shell stiffeners.	Shell
Yield point	25,000 pounds per square inch.	9,500 pounds per square inch.	23,000 pounds per square inch.
Ultimate strength	45,000 pounds per square inch.	25,000 pounds per square inch.	31,000 pounds per square inch.
Elongation, 2-inch sample	20 percent	18 percent	7 percent.

Minimum thicknesses of high-tensile steel tank sheets, in U. S. Standard gauges:

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads and baffles	15	14	13	12	11	10	9
SHELL							
Distance between attachments of bulkheads, baffles or other shell stiffeners:							
36 inches or less	16	16	15	14	13	12	11
Over 36 inches to 54 inches	16	15	14	13	12	11	10
Over 54 inches to 60 inches	15	14	13	12	11	10	9

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

Yield point ..... 50,000 p. s. i.
Ultimate strength ..... 65,000 p. s. i.
Elongation, 2" sample ..... 20 percent

§ 78.325–9 *Bulkheads and baffles.* (a) When bulkheads not required: No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80 percent of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.

(b) When bulkheads required. Except as provided in paragraph (a) in § 78.325–9, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2,000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank heads.

(c) Double bulkheads. Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.

(d) Baffles or shell stiffeners. Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener and the nearest tank head or bulkhead shall not exceed 60 inches.

§ 78.325–10 *Tank outlets.* (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325–11 *Pipe joints.* (a) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 1000° F. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325–12 *Strength of piping, fittings, hose and hose couplings.* (a) Hose, piping and fittings shall be designed for a bursting pressure at least 100 pounds per square inch gauge (100 psig) and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design working pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design working pressure of the hose and shall be so designed that there will be no leakage when connected.

§ 78.325–13 *Filling and discharge shut-off valves.* (a) Filling and discharge lines shall be provided with shut-off valves located as close to the tank outlet as is possible. If such valves are not manually operated, they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have a manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess flow valves shall not be used to satisfy the requirements of this section.

§ 78.325–14 *Safety devices*—(a) *Safety relief valves required.* Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank.

(b) *Relief valve capacity.* The required safety relief valves shall be set to start to discharge at a pressure not exceeding 26 pounds per square inch gauge (26 psig) and to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig). At a pressure not exceeding 30 pounds per square inch gauge (30 psig) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required.

(c) *Markings on relief valves.* Each safety relief valve shall be plainly and permanently marked (1) with the pressure in pounds per square inch gauge at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 pounds per square inch gauge (30 psig).

(d) *Connections to relief valves.* Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the safety relief valves.

(e) *Protection of relief valves.* Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(f) *Shut-off valves.* No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(g) *Connection of safety relief valve to vapor space.* Safety relief valves shall have direct communication with the vapor space of the tank.

(h) *Prevention of excessive hydrostatic pressure.* Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve installed.

(i) *Automatic excess-flow valves.* Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in

event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(j) *Excess-flow valve settings.* Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(k) *Capacity of connections to valves.* The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(l) *By-pass of valve.* Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(m) *Utilization of stop-check valves forbidden.* The use of combination stop-check valves to satisfy with one valve requirements of § 78.325–13 and § 78.325–14 (j) and (k) is forbidden.

§ 78.325–15 *Pumps.* (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.325–16 *Provision for expansion and vibration.* (a) Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

§ 78.325–17 *Shear section.* (a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

§ 78.325–18 *Protection of piping and appurtenances.* (a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected by steel bumpers or other equally effective devices, against collision. Any other part of any cargo tank connected with its cargo space and similarly protruding shall be similarly protected.

§ 78.325–19 *Overturn protection.* (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.325–20 *Liquid level gauging devices.* (a) Every cargo tank, except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) Fixed level indicators: All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) Dip tubes: A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid, at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by the regulations in this part. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by the regulations in this part.

§ 78.325–21 *Anchoring of tank.* (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles of similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) Stops and anchors: Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent movement between them due to starting, stopping and turning. These stops or anchors shall be installed so as to be readily accessible for inspection and maintenance except that lagging for lagged tanks is permitted to cover such stops and anchors.

(c) Anchoring integral tanks: Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those created by the working pressure.

2. Amend § 78.331–13 (18 F. R. 6784, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.331–13) to read as follows:

§ 78.331 *Specification MC 311, cargo tanks.*

§ 78.331–13 *Heads, bulkheads and baffles.* (a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

3. In § 78.336–1 add exception to paragraph (a) and amend paragraphs (b) and (c) amend § 78.336–2 paragraph (b) amend § 78.336–5 paragraph (a) (19 F R. 1237, Mar. 6, 1954) (17 F. R. 7290, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.336–1, 78.336–2, 78.336–5) to read as follows:

§ 78.336 *Specification MC 330; steel cargo tanks.*

§ 78.336–1 *Requirements for design and construction.* (a) * * *

Exception: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

Exceptions: (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dwg. 7-B-345, dated March 3, 1953. There shall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for safety devices may be installed separately at the other location or in the side of the shell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the bottom of the tank.

(c) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A. S. T. M. Specification A–300–52T ti-

tled "Steel Plates for Pressure Vessels for Service at Low Temperatures" Class 1, Grade "A" flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F

§ 78.336–2 *Material.* * * *

(b) Material of thickness less than 3/16 inch shall not be used for the shell, heads and protective housings specified in § 78.336–5, except for chlorine tanks the wall thickness shall be not less than 5/8 inch, including corrosion allowance.

§ 78.336–5 *Protection of valves and accessories.* (a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

Exceptions: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted. (2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. CS–843, dated July 27, 1954 and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

* * * * *

APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, (a) Commodity List; provides additions and amendments to keep commodity list on a current basis.

73.31, (g) Note 1; to authorize retest of tank cars during calendar year instead of date they are due.

73.31, (j); to allow use of plugs in outlet caps of tank cars.

73.33, (c); to authorize MC 320 cargo tanks for the same liquefied gases transported in MC 330 cargo tanks.

73.33, (g) (1)· to indicate that MC 320 cargo tanks may be used where the regulations call for MC 330 cargo tanks.

73.33, (k) (1), (m) (9) (10) (11) (o) (4), (p) to provide for the transportation of chlorine in cargo tank motor vehicles.

73.59, (a); clarifies application of regulations to chemical ammunition.

73.60, (a) (6); 73.60, (b) (2); 73.60, (d) (2)· 73.63, (a) (2), (b) (c) (1) (2), (d) (2), (e) (2)· 73.64, (a) (2)· 73.65, (a) (2); 73.65, (h) (2)· 73.66, (d) (1), (e) (1), (g) (1); 73.67, (a) (1) 73.68, (a) (1); to allow use of specification 12H, fiberboard box in addition to other containers.

73.88, (d), to define certain incendiary bombs and smoke bombs as special fireworks.

73.91, (f) (2); to allow use of specification 12H, fiberboard box for railway torpedoes.

73.92, (a) (3)· to allow use of specification 23F, fiberboard box for jet thrust igniters.

73.100, (w)· to describe a fire extinguisher actuating cartridge.

73.114, entire section; to provide for the packing and marking of fire extinguisher actuating charges.

73.118, (c) (24), (25); to include methylhydrazine and uns-dimethylhydrazine in any quantity not exempt from the regulations.

73.122, (a); to clarify that acrolein must be inhibited when offered for transportation.

73.122, (b); to provide for the shipment of acrolein, inhibited by rail express.

73.127, (a) (2), (4); to allow use of specification 37A or 37B and 6J containers for certain flammable liquids.

73.128, (c); to exempt certain rail express shipments of paints and related materials from marking and labeling requirements.

73.132, (a); to provide packaging requirements for coating solution.

73.139, (a) (1); to allow use of glass bottles as inside containers for ethylene imine, inhibited.

73.145, entire section; to allow use of an additional type of inside container for methylhydrazine and uns-dimethylhydrazine.

73.153, (a); clarification.

73.176, (e); to allow use of specification 12C, fiberboard box for matches; eliminate use of lapped joints in lieu of lining in boxes.

73.184, (a) (3)· to allow use of specification 6J containers for certain flammable solids.

73.191, (a) (1); to eliminate packing of glass or earthenware containers of phosphorus pentachloride in metal cans under certain conditions.

73.229, (c); To allow exemptions for an additional type package for chlorate and borate mixtures or chlorate and magnesium chloride mixtures.

73.244, (c) (49), (50); changes classification of methylhydrazine and uns-dimethylhydrazine from a corrosive liquid to a flammable liquid.

73.255, (a) (3)· to allow additional types of closures for inside glass containers for dimethyl sulfate.

73.259, entire section; to allow shipment of certain corrosive liquids with electronic equipment and to increase the size of inside containers.

73.260, (b) (2); to allow an additional type of package for small electric storage batteries.

73.266, (b), (c), (d); to clarify the packaging requirements for various strengths of hydrogen peroxide.

73.272, (g) (1); to allow specified strengths of sulfuric acid in 5A or 5C containers.

73.276, (a); to eliminate reference to methylhydrazine and uns-dimethylhydrazine which are now provided for in § 73.145.

73.289, (a) (2); to allow specification 103A–W stainless steel tank car for formic acid.

73.289, (a) (9); to allow specification 1EX containers of formic acid in domestic service.

73.293, entire section; to provide packaging requirements for iodine monochloride.

73.302, (a) (3)· to extend exemptions for containers of certain gases from 16.6 fluid ounces to 17.6 fluid ounce capacity.

73.306, (a) (1)· to allow use of specification 4B–ET cylinder for certain liquefied gases.

73.308, (a), table; to allow use of cylinders having service pressures of 225 and 150 p. s. i. for vinyl chloride, inhibited.

73.314, (a), table; to allow use of specification 105A300, and 105A300W tank cars for dispersant gas, n. o. s.

73.314, (f); clarification.

73.315, (a) (1) table, Notes 4 and 8 to (a) (1), (h) table, (i), (i) (2) and (11); to provide for the shipment of chlorine in MC 330 cargo tank.

73.334, (a), (a) (1); to increase the maximum percentage of active ingredient authorized for shipment of certain poisons; to provide for the use of spec. 4B240ET cylinders.

73.354, (a) (4), (5), (c); to clarify that certain tank cars and tank motor vehicles are not permitted for shipment of tetraethyl lead.

73.402, (a) (13); to authorize the use of certain labels for shipment of dangerous articles by air.

73.402, (b) (1); to require a duplicate certificate from shipper for export shipment of dangerous goods involving air transport.

73.405, (b); 73.406, (b); 73.407, (b), (b) (1), (2), and (3); 73.408, (b); 73.408, (b) (1); 73.409, (b), (b) (1); 73.409, (b) (2)· 73.409, (b) (3)· 73.410, (b); 73.411, (b); 73.412, (b); 73.414, (c); 73.414, (c) (1); to authorize use and recognition of new forms of caution labels for shipments of explosives and dangerous articles interchanged with carriers by air.

73.430, (c); to require a duplicate certificate from shipper for domestic shipment of dangerous goods involving air transport.

74.529, (b); to authorize the transportation of class B explosives in container cars.

74.538, footnote c to (a) table; clarification.

77.823, (d); to provide marking requirements for tank motor vehicles transporting chlorine.

77.840, (e)· to require gas mask, and emergency kit for controlling leaks to accompany shipment of chlorine in cargo tanks.

77.840, (f); to provide certain requirements for loading and unloading tank motor vehicles transporting chlorine.

77.848, footnote c to (a) table; clarification.

78.38–12, (c); to authorize use of 4 engaged threads for cylinder fittings on specification 3B.

78.80–11, (a)· to provide a more suitable place for marking drums with removable heads.

78.81–11, (a)· to allow additional means of marking specification 5A containers.

78.82–11, (a); same as § 78.80–11.

78.83–9, (c), (d), and (e); to provide for improved thread forms for specification 5C containers.

78.83–11, (a); to permit the brazing of metal plates used for marking specification 5C containers.

78.84–11, (a); same as § 78.80–11.

78.85–10, (a); to provide additional means of marking specification 5F containers.

78.87–11, (a); same as § 78.80–11.

78.88–8, (c), (d), and (e)· to provide for improved thread forms for specification 5K containers.

78.88–10, (a); to provide additional means of marking specification 5K containers.

78.89–9, (a); to provide additional means of marking specification 5L containers.

78.90–8, entire section; to provide an improved thread form for specification 5M containers.

78.90–10, (a); to permit the brazing of metal plates used for marking specification 5M containers.

78.91–11, (a); to provide additional means of marking specification 5X containers.

78.97–9, (a)· 78.98–9, (a)· 78.99–9, (a)· 78.100–9, (a)· 78.101–9, (a); same as § 78.80–11.

78.107–7, (b)· to provide improved thread form closures for specification 42B containers.

78.108–7, (b); same as § 78.107–7.

78.109–7, (b)· same as § 78.107–7.

78.110–8, (a)· same as § 78.80–11.

78.115–10, (a); same as § 78.80–11.

78.116–7, (a); to require a 3/8 inch minimum for convexity of drum heads.

78.116–10, (a); to provide additional means of marking specification 17E containers.

78.117–11, (a)· to provide additional means of marking specification 17F containers.

78.118, heading; clarifies that removable heads are required.

78.118–10, (a)· same as § 78.80–11.

78.130–8, (a); same as § 78.80–11.

78.131–9, (a); same as §78.80–11.

78.132–9, (a); to provide additional means of marking specification 37B containers.

78.165–8, (a) table and footnote 2; to provide additional type construction for tops and bottoms of specification 14 boxes.

78.205–9, (a); to allow alternate method of constructing specification 12B fiberboard box.

78.205–31, (a)· to provide details for the construction of a special box.

78.209, entire section; to provide a new specification 12H fiberboard box.

78.214–11, (a); to provide for additional type of joint for specification 23F fiberboard box.

78.219–7, (a); to allow for an additional type telescoping box, specification 23H.

78.219–11, (b); to authorize a 65-pound gross weight for new type telescoping box.

78.250–5, (a) (3); to provide for proper registration of companies using containers built prior to effective date of specification 55.

78.280, ICC–9 (b); to require dome pocket drain holes in certain tank shells and adequate reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.280, AAR–9 (b); to make reference to diagram showing method of reinforcing tank at dome opening.

Part 78, Subp. I App. C, figure 24 and Notes 1 to 5; to provide for the reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.325, entire section; to provide a new specification MC 304 cargo tank motor vehicle for flammable and poisonous liquids.

78.331–13, (a); clarifies that baffles are not required.

78.336–1, (a); provides details for construction of cargo tanks for chlorine.

[F. R. Doc. 55–8723; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 44 [1]]

PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 368.1 *Import certificate and delivery verification on selected imports into the United States* is amended in the following particulars:

a. Subdivision (i) of subparagraph (8) *Approval of shipments to destinations other than the United States* of paragraph (b) is amended to read as follows:

(i) Where a United States purchaser intends to ship commodities covered by a United States Import Certificate to an ultimate destination other than the United States or Canada, approval by the Bureau of Foreign Commerce of the release of the commodities to the ultimate consignee is required before the commodities covered are delivered and before title to or possession of the commodities is transferred.[2]

b. A new subdivision (iv) is added to subparagraph (8) of paragraph (b) to read as follows:

(iv) If the commodities covered by a United States Import Certificate are for shipment to Canada as the country of ultimate destination, and the foreign exporter of the commodities requests a delivery verification from the holder of the United States Import Certificate, the Import Certificate holder shall obtain a Canadian delivery verification, and submit it to the Bureau of Foreign Commerce, together with an explanatory letter showing the U. S. Import Certificate Number, the date issued, and the location of the issuing office. The Bureau of Foreign Commerce will then notify the government authorities of the exporting country that a delivery verification has been issued.

c. Paragraph (e) *Penalties and administrative action* is amended to read as follows:

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) The enforcement provisions of Part 381 of this subchapter, and § 384.2 (a), of the export control regulations shall apply to transactions involving imports into the United States covered by this part. Any provision of Part 381 of this subchapter, and § 384.2 (a) of this subchapter which by their terms relate to "exportations" or "exportations from the United States" are also deemed to apply and extend to imports or importations into the United States, applications for Import Certificates, Import Certificates, and Delivery Verifications, dealt with in this part. (A Form IT– or FC–826, Import Certificate, when presented to the Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this part, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Department of Commerce; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of Foreign Commerce.

NOTE: Applications for Import Certificates, and Delivery Verifications, as specified in this part, are included within the definition of export control documents set forth in § 370.1 (n) of this subchapter of the export control regulations.

Also see Part 382 of this subchapter, "Denial or Suspension of Export Privileges" and § 384.2 (a), "Activities of Persons Appearing Before the Bureau of Foreign Commerce in connection with Export Control Matters."

(2) *Criminal.* The U. S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U. S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, each violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

2. Section 370.1 *Definitions* is amended in the following particulars:

Subparagraph (1) of paragraph (n) Export control document is amended to read as follows:

(1) "Export control document" means a validated Export License; an Application for Export License, including any supporting documents; an Ultimate Consignee or Purchaser Statement; an application for Import Certificate, an Import Certificate and Delivery Verification, as specified in Parts 368 and 373; a Shipper's Export Declaration presented to a Collector of Customs or Postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a Collector or Postmaster; a Dock Receipt or Bill of Lading issued by any carrier in connection with any exportation subject to the Export Regulations; and any other document issued by a U. S. Government agency pursuant to the Export Regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

3. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery,* paragraph (a) *Scope,* footnote 3 is amended to read as follows:

[3] Also see § 373.65 for requirements of Austrian Import Identification Number.

4. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by deleting paragraph (a) *Containing radium.*

5. Section 373.55 *Chemicals and medicinals* is amended to read as follows:

§ 373.55 *Chemicals and medicinals*—(a) *General.* All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Isotopes.* License applications to export those isotopes for which procurement authorization is required from the Atomic Energy Commission shall specify the AEC Procurement Authorization number and expiration date in the commodity description column of Form IT– or FC–419.

6. Section 373.65 *Ultimate consignee and purchaser statements,* paragraph (a) *Scope* is amended in the following particulars: The footnote to the last word of subdivision (ii) of subparagraph (3) *Multiple transaction statement from ultimate consignee* and the same footnote to the last word of subdivision (i) of subparagraph (4) *Alternative for multiple transaction statement* are amended to read as follows:

Multiple transaction consignee and purchaser statements or extension certifications as provided in § 373.65 (a) (4), on file with the Bureau of Foreign Commerce and in ac-

[1] This amendment was published in Current Export Bulletin No. 757, dated October 27, 1955.

cordance with the export control regulations on October 27, 1955, are automatically extended from the date appearing in Item 4 of Form IT– or FC–843 or Item 3 of the certification, until April 2, 1956. A supplemental statement must be submitted, however, disclosing any change of facts or intentions, as provided in Item 13 of Form IT– or FC–843 or Items 4 and 5 of the certification. This extension is in addition to the extensions announced on March 3, 1955, and June 9, 1955.

7. Section 373.71 *Supplement 1, Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULE FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

[Fourth Quarter of 1955 and First Quarter of 1956]

Department of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter, 1955	First quarter, 1956
630050	Aluminum scrap (new and old)	Before Dec. 1, 1955.	
630070	Aluminum remelt ingots		
641300	Copper scrap (new and old) containing 40 percent or more copper.		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper.		
644100	Copper-base alloy ingots and other crude forms		
619159	Selenium powder	Sept. 1-15, 1955	Dec. 1-15, 1955.
622098	Ferroselenium		
664098	Selenium metal, except selenium-bearing scrap materials		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.		
839750	Selenium salts of organic compounds		
839900	Selenium salts and compounds, including selenium dioxide.		
842000	Selenium-containing pigments		

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)). Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see note following § 372.6 (d)).

This amendment shall become effective as of October 27, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director
Bureau of Foreign Commerce.

[F. R. Doc. 55–8724; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 681—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO OTHER THAN THE NEEDLEWORK INDUSTRIES

MINIMUM PIECE RATES

On September 23, 1955, notice was published in the FEDERAL REGISTER (20 F. R. 7138) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend the minimum piece rates established in § 681.9 of this part. Interested persons were afforded an opportunity to submit data, views or arguments pertaining thereto within 15 days from the date of publication of the notice. No data, views or arguments have been received, and such 15-day period has expired.

Accordingly, pursuant to authority under section 6 (a) of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C. 201 et seq.) all minimum piece rates heretofore issued pursuant to § 681.9 (29 CFR, Part 681) are hereby superseded, and a new piece rate for homeworkers engaged in hand-braiding leather buttons is hereby issued to read as follows:

§ 681.9 *Minimum piece rates prescribed by the Administrator* A minimum piece rate of 30 cents a gross for homeworkers in Puerto Rico engaged in the hand-braiding of leather buttons, 24 to 30 ligne, by the following method: Tying a braided knot around the tip of a finger, bringing the knot into a rounded button shape by pulling the ends of the strip, forming the button shank from the prepared shank end of the strip, and trimming the loose end by cutting off the excess leather; all operations to be performed upon undegreased leather strips, each of which has been cut in advance to suitable dimensions so that one end may be formed into the button shank and the remainder braided to become the rounded button.

(Secs. 8, 11, 52 Stat. 1064, 1069; 29 U. S. C. 208, 211)

The above amendment shall become effective the 28th day of November, 1955.

Signed at Washington, D. C., this 25th day of October 1955.

NEWELL BROWN,
Administrator
Wage and Hour Division.

[F. R. Doc. 55–8726; Filed, Oct. 27, 1955; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NEW RIVER, NEW RIVER SOUND, AND MIDDLE RIVER, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 is hereby amended by the addition of subparagraph (h) (22) to govern the operation of Sunrise Boulevard bridge across Middle River; § 203.445a is hereby revoked, and § 203.446 is hereby amended to govern the operation of Southeast Sixth Avenue bridge across New River, and East Las Olas Boulevard and Sunrise Boulevard bridges across New River Sound, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(h) *Waterways discharging into the Gulf of Mexico south of Charleston.* * * *

(22) Middle River, Fla. City of Fort Lauderdale bridge at North East Tenth Street (Sunrise Boulevard bridge) At least 24 hours' advance notice required.

* * * * * *

§ 203.445a *New River Sound (Intracoastal Waterway) Fla.; East Las Olas Boulevard and Sunrise Boulevard bridges, Fort Lauderdale, Fla.* [Revoked.]

§ 203.446 *New River and New River Sound (Intercoastal Waterway) Fort Lauderdale, Fla., bridges*—(a) *East Las Olas Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:00 a. m. and 6:00 p. m., except on the hour and half-hour when the bridge shall be opened to allow all accumulated vessels to pass.

(b) *Sunrise Boulevard Bridge across New River Sound.* During the period November 15 to May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:15 a. m. and 6:15 p. m., except on the quarter-hour and three-quarter-hour when the bridge shall be opened to allow all accumulated vessels to pass.

(c) *Southeast Sixth Avenue (Federal Highway) Bridge across New River* During the period November 15 and May 15, both dates inclusive, the owner of or agency controlling this bridge will not be required to open the drawspan between the hours of 7:00 a. m. and 6:00 p. m., except on the hour or half-hour as scheduled when the bridge shall be opened to allow all accumulated vessels to pass: *Provided,* That between the hours of 4:00 p. m. and 4:30 p. m., the drawspan shall be opened at any time for passage of east-bound sight-seeing boats. Openings are scheduled on the hour and half-hour as follows:

7:00 a. m.	1:00 p. m.
8:00 a. m.	2:00 p. m.
9:00 a. m.	2:30 p. m.
9:30 a. m.	3:00 p. m.
10:00 a. m.	3:30 p. m.
10:30 a. m.	4:00 p. m.
11:00 a. m.	4:30 p. m.
11:30 a. m.	5:00 p. m.
12:00 Noon	6:00 p. m.

(d) The draws of the bridges listed in paragraphs (a), (b), and (c) of this section shall be opened at any time upon

a signal of 4 blasts of a whistle or horn to allow the passage of a tow or vessel in distress.

(e) The owner of or agency controlling the bridges shall place signs, of a size and description designated by the District Engineer, at each side of these bridges and at a distance of one-half mile above and below each bridge indicating the nature of the regulations of this section.

[Regs., October 12, 1955, 823.01–ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 55–8689; Filed, Oct. 27, 1955; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter F—Color of Title and Riparian Claims

[Circular No. 1937]

PART 141—COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

Section 141.25 is revoked in its entirety.

CLARENCE A. DAVIS,
Acting Secretary of the Interior.

OCTOBER 24, 1955.

[F. R. Doc. 55–8697; Filed, Oct. 27, 1955; 8:47 a. m.]

[Circular No. 1938]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM AND SULPHUR IN CERTAIN ACQUIRED LANDS

Section 200.50 is amended by adding a paragraph (d) thereto, as follows:

§ 200.50 *Fractional or future interest leases.* * * *

(d) *Rejection and termination of applications.* An application for a future interest lease filed less than one year prior to the date of the vesting in the United States of the present interest in the minerals will be rejected. Upon the vesting in the United States of the present possessory interest in the minerals, all applications for future interest leases outstanding at that time will automatically lapse and thereafter only offers for a present interest lease will be considered.

(Sec. 10, 61 Stat. 915; 30 U. S. C. 359)

CLARENCE A. DAVIS,
Acting Secretary of the Interior

OCTOBER 24, 1955.

[F. R. Doc. 55–8696; Filed, Oct. 27, 1955; 8:47 a. m.]

[Circular No. 1939]

PART 250—PUBLIC SALES

Section 250.11 (b) (3) is amended to read as follows:

§ 250.11 *Action at close of bidding.* * * *

(b) *Preference right of purchase; declaration of purchaser.* * * *

(3) Where there is a conflict between two or more persons claiming a preference right of purchase, they will be allowed 30 days from receipt of notice within which to agree among themselves upon a division of the tracts by subdivisions. In the absence of an agreement an equitable division of the land will be made taking into consideraton such factors as (i) the equalizing of the number of acres which each claimant will be permitted to purchase, (ii) desirable land use, based on topography, land pattern, location of water, and similar factors, and (iii) legitimate historical use, including construction and maintenance of authorized improvements. If equitable considerations dictate, all of the subdivisions may be awarded to one of the claimants. Where only one subdivision is offered for sale and it adjoins the lands of two or more preference right claimants, it will, in the absence of equitable considerations requiring otherwise, be awarded to the applicant for the sale if he is a qualified preference-right claimant; if he is not, it will be awarded to the first qualified person who properly asserts such a preference right within or prior to the 30-day preference-right period. The manager will make the award by declaring the appropriate claimant or claimants purchasers of the land.

(R. S. 2478; 43 U. S. C. 1201)

CLARENCE A. DAVIS,
Acting Secretary of the Interior

OCTOBER 24, 1955.

[F. R. Doc. 55–8695; Filed, Oct. 27, 1955; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 1232]

[Montana 018514 (SD)]

SOUTH DAKOTA

RESERVING PUBLIC LANDS WITHIN BLACK HILLS NATIONAL FOREST FOR PROTECTION OF IMPORTANT PREHISTORIC CARVINGS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest, South Dakota, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of Agriculture, for the protection of important prehistoric carvings in furtherance of the act of June 8, 1906 (34 Stat. 225; 16 U. S. C. 431)

BLACK HILLS MERIDIAN

T. 7 S., R. 2 E.,
Sec. 25, E½.
T. 7 S., R. 3 E.,
Sec. 30, W½.

The areas described aggregate 640 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

F. E. WORMSER,
Acting Secretary of the Interior.

SEPTEMBER 29, 1955.

[F. R. Doc. 55–8694; Filed, Oct. 27, 1955; 8:46 a. m.]

[Public Land Order 1240]

[Misc. 1825763]

UTAH

WITHDRAWING LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH DUGWAY PROVING GROUND; PARTLY REVOKING EXECUTIVE ORDER NO. 8579 OF OCTOBER 29, 1940

By virtue of the authority vested in the President by section 1 of the act of July 9, 1918, c. 143 (40 Stat. 845, 848; 10 U. S. C. 1341) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the public lands within the following-described areas, which are surveyed only in part, are hereby withdrawn from all forms of disposal under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

SALT LAKE MERIDIAN

Tps. 6 and 7, S., R. 12 W.
T. 8 S., R. 12 W., W½.
Tps. 7 and 8, S., R. 13 W.,
T. 9 S., R. 13 W.,
Secs. 1, 2, 3, and 10 to 13, inclusive.

The public lands in the areas described aggregate approximately 103,485 acres.

This order shall attach to all the right, title and interest acquired by the United States to any of the non-public lands in the area withdrawn by this order, immediately upon acquisition by the United States of such right, title and interest.

2. Executive Order No. 8579 of October 29, 1940, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing lands for use of the War Department as an aerial bombing and gunnery range is hereby revoked so far as it affects any of the lands withdrawn by paragraph 1 of this order.

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

OCTOBER 21, 1955.

[F. R. Doc. 55–8693; Filed, Oct. 27, 1955; 8:46 a. m.]

[Public Land Order 1241]

[Misc. 69256]

ARKANSAS

EXTENDING THE BOUNDARIES OF THE OUACHITA NATIONAL FOREST

By virtue of the authority vested in the President by Section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471) and the act of June 4, 1897, (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The boundaries of the Ouachita National Forest are hereby extended to include the following-described lands in Arkansas, and, subject to vald existing rights, the public lands included therein are hereby made a part of the said national forest and hereafter shall be subject to all laws and regulations applicable thereto: Provided, That this order shall be applicable to any non-public lands within the area upon the acquisition of title thereto or control thereof by the United States:

FIFTH PRINCIPAL MERIDIAN

T. 1 N., R. 28 W.,
Secs. 3, 4, 5;
Sec. 6, E½NE¼, S½.
T. 1 N., R. 29 W.,
Sec. 1, E½NE¼SE¼, E½SE¼SE¼.
T. 2 N., R. 25 W.,
Sec. 4, S½NW¼, SW¼,
Sec. 5, S½NE¼, S½NW¼, S½,
Sec. 6, S½NE¼, SE¼.
T. 2 N., R. 28 W.,
Sec. 31, E½SE¼,
Sec. 32, S½,
Sec. 33, S½,
Sec. 34, S½.
T. 2 N., R. 30 W.,
Sec. 13, S½SE¼, SE¼SW¼.
T. 3 N., R. 25 W.,
Sec. 35, S½,
Sec. 36, S½.
T. 3 S., R. 28 W.,
Sec. 7, SE¼,
Sec. 8, W½SW¼.
T. 3 S., R. 29 W.,
Secs. 13, 14, 15, 16;
Sec. 17, N½,
Sec. 18, N½.

The areas described, including both public and non-public lands, aggregate 8,900 acres, of which the SE¼SE¼ sec. 6, T. 1 N., R. 28 W., is public land.

WESLEY A. D'EWART,
Assistant Secretary of the Interior

OCTOBER 21, 1955.

[F. R. Doc. 55-8692; Filed, Oct. 27, 1955; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 55-1043]

[Rules Amdt. 1-76]

PART 1—PRACTICE AND PROCEDURE

REPETITIOUS APPLICATIONS

In the matter of amendment of § 1.363 (a) of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 19th day of October 1955;

The Commission having under consideration the amendment of § 1.363 (a) on repetitious applications; and

It appearing, that the Amendment herein ordered would be in aid of orderly administrative procedure; and

It further appearing, that the amendment herein ordered is procedural in nature, and, therefore, compliance with the public notice and rule making procedure otherwise required by section 4 (a) and (b) of the Administrative Procedure Act is not required;

It is ordered, That pursuant to section 4 (i) and 303 (r) of the Communications Act of 1934, as amended, § 1.363 (a) of the Commission's rules and regulations is hereby amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amen- 7 U. S. C. 303)

Released: er 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 1.363 (a) of the Commission's rules and regulations is amended to read as follows:

§ 1.363 *Repetitious applications.* (a) Where the Commission has, for any reason, denied an application for a new station, or for any modification of services or facilities, or dismissed such application with prejudice, the Commission will not consider a like application involving service of the same kind to substantially the same area by substantially the same applicant, or by its successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

* * * * *

[F. R. Doc. 55-8701; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11181; FCC 55-1050]

[Rules Amdt. 3-59]

PART 3—RADIO BROADCAST SERVICES

POWER AND ANTENNA HEIGHT REQUIREMENTS ORDER EXTENDING EFFECTIVE DATE

In the matter of amendment of § 3.614 (b) of the rules governing television broadcast stations.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 19th day of October 1955;

The Commission has before it for consideration its Report and Order (FCC 55-802) issued in the above-entitled proceeding on July 22, 1955, amending § 3.614 (b) of its rules relating to antenna height and power requirements for VHF television stations in Zone I.

The amendment was originally scheduled to become effective on August 31, 1955. However, on September 1, 1955, the Commission issued an Order Extending the Effective Date to October 1, 1955, pointing out that several petitions had been filed with the Commission for reconsideration of its action in this proceeding and requesting that the effectiveness of the amendment be stayed pending such reconsideration. It was noted, also, that several requests had been submitted seeking postponement of the effective date of the amendment until the present studies of the Air Coordinating Committee on the subject of tall towers are completed. Oppositions to the various petitions for reconsideration and requests for stay have also been filed. On September 28, 1955, the Commission further extended the effective date to November 1, 1955.

Additional time will be necessary for the Commission to consider the above requests. Accordingly, the Commission believes that the public interest would be served by further staying the effectiveness of the amendment.

In view of the foregoing: *It is ordered,* That the effective date of the amendment of the Commission's rules and regulations adopted by its Report and Order issued July 22, 1955, in this proceeding, is extended to December 1, 1955.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8728; Filed, Oct. 27, 1955; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the Administrative Procedure Act, approved June 11, 1946, the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., Attention: T:P, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued un-

der the authority contained in section 4 of P. L. 74, 84th Congress, approved June 15, 1955 (69 Stat. 134), and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The following regulations are hereby prescribed under Public Law 74, 84th Congress.

Sec.
1.9000–1 Provisions of P. L. 74.
1.9000–2 Effect of repeal in general.
1.9000–3 Requirement of statement showing increase in tax liability.
1.9000–4 Form and content of statement.
1.9000–5 Effect of filing statement.
1.9000–6 Provisions for the waiver of interest.
1.9000–7 Provisions for estimated tax.
1.9000–8 Extension of time for making certain payments.

§ 1.9000–1 *Statutory provisions.* Public Law 74, 84th Congress, approved June 15, 1955, provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. *Repeal of sections 452 and 462*—(a) *Prepaid income.* Section 452 of the Internal Revenue Code of 1954 is hereby repealed.

(b) Reserves for estimated expenses, etc. Section 462 of the Internal Revenue Code of 1954 is hereby repealed.

SEC. 2. *Technical amendments.* The following provisions of the Internal Revenue Code of 1954 are hereby amended as follows:

(1) Subsection (c) of section 381 is amended by striking out paragraph (7) (relating to carryover of prepaid income in certain corporate acquisitions).

(2) The table of sections for subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by striking out

"Sec. 452. Prepaid income."

(3) The table of sections for subpart C of such part II (relating to taxable year for which deductions are taken) is amended by striking out—

"Sec. 462. Reserves for estimated expenses, etc."

SEC. 3. *Effective date.* The amendments made by this act shall apply with respect to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

SEC. 4. *Saving provisions*—(a) *Filing of statement.* If—

(1) the amount of any tax required to be paid for any taxable year ending on or before the date of the enactment of this act is increased by reason of the enactment of this act, and

(2) the last date prescribed for payment of such tax (or any installment thereof) is before December 15, 1955,

then the taxpayer shall, on or before December 15, 1955, file a statement which shows the increase in the amount of such tax required to be paid by reason of the enactment of this act.

(b) *Form and effect of statement*—(1) *Form of statement, etc.* The statement required by subsection (a) shall be filed at the place fixed for filing the return. Such statement shall be in such form, and shall include such information necessary or appropriate to show the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act, as the Secretary of the Treasury or his delegate shall by regulations prescribe.

(2) *Treatment as amount shown on return.* The amount shown on a statement filed under subsection (a) as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act shall, for all purposes of the internal revenue laws, be treated as tax shown on the return. Notwithstanding the preceding sentence, that portion of the amount of increase in tax for any taxable year which is attributable to a decrease (by reason of the enactment of this act) in the net operating loss for a succeeding taxable year shall not be treated as tax shown on the return.

(3) *Waiver of interest in case of payment on or before December 15, 1955.* If the taxpayer, on or before December 15, 1955, files the statement referred to in subsection (a) and pays in full that portion of the amount shown thereon for which the last date prescribed for payment is before December 15, 1955, then for purposes of computing interest (other than interest on overpayments) such portion shall be treated as having been paid on the last date prescribed for payment. This paragraph shall not apply if the amount shown on the statement as the increase in the amount of the tax required to be paid for the taxable year by reason of the enactment of this act is greater than the actual increase unless the taxpayer establishes, to the satisfaction of the Secretary of the Treasury or his delegate, that his computation of the greater amount was based upon a reasonable interpretation and application of sections 452 and 462 of the Internal Revenue Code of 1954, as those sections existed before the enactment of this act.

(c) *Special rules*—(1) *Interest for period before enactment.* Interest shall not be imposed on the amount of any increase in tax resulting from the enactment of this act for any period before the day after the date of the enactment of this act.

(2) *Estimated tax.* Any addition to the tax under section 294 (d) of the Internal Revenue Code of 1939 shall be computed as if this act had not been enacted. In the case of any installment for which the last date prescribed for payment is before December 15, 1955, any addition to the tax under section 6654 of the Internal Revenue Code of 1954 shall be computed as if this act had not been enacted.

(3) *Treatment of certain payments which taxpayer is required to make.* If—

(A) The taxpayer is required to make a payment (or an additional payment) to another person by reason of the enactment of this act, and

(B) The Internal Revenue Code of 1954 prescribes a period, which expires after the close of the taxable year, within which the taxpayer must make such payment (or additional payment) if the amount thereof is to be taken into account (as a deduction or otherwise) in computing taxable income for such taxable year,

then, subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, if such payment (or additional payment) is made on or before December 15, 1955, it shall be treated as having been made within the period prescribed by such Code.

(4) *Treatment of certain dividends.* Subject to such regulations as the Secretary of the Treasury or his delegate may prescribe, for purposes of section 561 (a) (1) of the Internal Revenue Code of 1954, dividends paid after the 15th day of the third month following the close of the taxable year and on or before December 15, 1955, may be treated as having been paid on the last day of the taxable year, but only to the extent (A) that such dividends are attributable to an increase in taxable income for the taxable year resulting from the enactment of this act, and (B) elected by the taxpayer.

(5) *Determination of date prescribed.* For purposes of this section, the determination of the last date prescribed for payment or for filing a return shall be made without regard to any extension of time therefor and without regard to any provision of this section.

(6) *Regulations.* For requirement that the Secretary of the Treasury or his delegate shall prescribe all rules and regulations as may be necessary by reason of the enactment of this act, see section 7805 (a) of the Internal Revenue Code of 1954.

§ 1.9000–2 *Effect of repeal in general.* (a) Section 452 (relating to prepaid income) and section 462 (relating to reserves for estimated expenses) of the Internal Revenue Code of 1954 were repealed by Public Law 74, 84th Congress, with respect to all years, subject to such Code. The effect of the repeal will generally be to increase the tax liability of taxpayers who elected to adopt the methods of accounting provided by sections 452 and 462. References to sections of law in §§ 1.9000–2 to 1.9000–8, inclusive, are references to the Internal Revenue Code of 1954 unless otherwise specified.

(b) If the last date prescribed for the payment of any tax (or any installment thereof) is before December 15, 1955, and if the amount of such tax is increased by the repeal of sections 452 and 462, then the taxpayer shall on or before such date file a statement as prescribed in § 1.9000–3. The last date prescribed for payment for this purpose shall be determined without regard to any extensions of time and without regard to the provisions of Public Law 74.

§ 1.9000–3 *Requirement of statement showing increase in tax liability*—(a) *Returns filed before June 15, 1955.* Where a return reflecting an election under section 452 or 462 was filed before June 15, 1955, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting from the repeal of sections 452 and 462. The provisions of this paragraph may be illustrated by the following example.

Example. Corporation X filed its income tax return for the calendar year 1954 on March 15, 1955, and elected under section 6152 to pay the unpaid amount of the tax shown thereon in two equal installments. Such installment payments are due on March 15, 1955, and June 15, 1955, respectively. The corporation elected to compute its tax for such taxable year under the methods of accounting provided by sections 452 and 462. Corporation X's tax liability is increased by reason of the enactment of Public Law 74, and since the last date prescribed for paying its tax expires before December 15, 1955, it is required to submit the prescribed statement on or before December 15, 1955, showing its increase in tax liability.

(b) *Returns filed on or after June 15, 1955.* A taxpayer filing a return on or after June 15, 1955, for a taxable year ending on or before such date, may elect to apply the accounting methods provided in sections 452 and 462. The election may be exercised—

(1) By computing the tax liability shown on such return as though the provisions of sections 452 and 462 had not been repealed. In such a case, the taxpayer must file on or before December 15, 1955, a statement on Form 2175 showing the increase in tax liability resulting

from the repeal of sections 452 and 462, or

(2) By computing his tax liability without regard to sections 452 and 462. In this case, Form 2175 must be filed with the return. However, taxable income and the tax liability computed with the application of sections 452 and 462 shall be shown on lines 8 and 14, respectively of the form in lieu of the amounts otherwise called for on those lines.

If a taxpayer does not make an election to have the provisions of sections 452 and 462 apply, the savings provisions of section 4 of Public Law 74 are not applicable.

(c) *Taxable years ending after June 15, 1955.* A taxpayer having a taxable year ending after June 15, 1955, may not elect to apply the methods of accounting prescribed in sections 452 and 462 in computing taxable income for such taxable year. Such a taxpayer must file his return and pay the tax as if such sections had never been enacted.

(d) *Other situations requiring statements.* (1) A person who made an election under section 452 or 462 but whose tax liability was not increased by the reason of the enactment of Public Law 74, is nevertheless required to file a statement on Form 2175 if his gross income is increased or his deductions are decreased as the result of the repeal of sections 452 and 462. A partnership which makes an election under such sections must file such a statement. In addition a partner, stockholder, distributee, etc. (whether or not such person made an election under section 452 or 462) shall file a statement showing any increase in his tax liability resulting from the effects of the repeal on the gross income or deductions of the persons mentioned in the previous sentences of this subparagraph.

(2) A statement shall also be filed for a taxable year, other than a year to which an election under section 452 or 462 is applicable, if the repeal of such sections increases the tax liability of such other year. Thus, a statement must be filed for any taxable year to which a net operating loss is carried from a year to which an election under section 452 or 462 is applicable provided that the repeal of such sections affects the amount of the tax liability for the year to which such loss is carried. A separate statement must also be filed for a year in which there is a net operating loss which is changed by reason of the repeal of sections 452 and 462. Where there is a short taxable year involved, a taxpayer may have two taxable years to which elections under sections 452 and 462 are applicable and in such a case a statement, on Form 2175, must be filed for each such year.

§ 1.9000–4 *Form and content of statement*—(a) *Information to be shown.* The statement shall be filed on Form 2175 which may be obtained from district directors of internal revenue. It shall be filed with the district director for the district in which the return was filed. The statement shall be prepared in accordance with the instructions contained thereon and shall show the following information:

(1) The name and address of the taxpayer,

(2) The amounts of each type of income deferred under section 452,

(3) The amount of the addition to each reserve deducted under section 462,

(4) The taxable income and the tax liability of the taxpayer computed with the application of sections 452 and 462,

(5) The taxable income and the tax liability of the taxpayer computed without the application of sections 452 and 462,

(6) The details of the recomputation of taxable income and tax liability including any changes in other items of income, deductions, and credits resulting from the repeal of sections 452 and 462, and

(7) If self-employment tax is increased, the computations and information required on page 3 of Schedule C, Form 1040.

(b) *Procedure for recomputing tax liability.* In determining the taxable income and the tax liability computed without the application of sections 452 and 462, such items as vacation pay and prepaid subscription income shall be reported under the law and regulations applicable to the taxable year as if such sections had not been enacted. The tax liability for the year shall be recomputed by restoring to taxable income the amount of income deferred under section 452 and the amount of the deduction taken under section 462. Other deductions or credits affected by such changes in taxable income shall be adjusted. For example, if the deduction for contributions allowed for the taxable year was limited under section 170 (b) the amount of such deduction shall be recomputed, giving effect to the increase in adjusted gross income or taxable income, as the case may be, by reason of the adjustments required by the repeal of sections 452 and 462.

§ 1.9000–5 *Effect of filing statement*—(a) *Years other than years affected by a net operating loss carryback.* If the taxpayer files a timely statement in accordance with the provisions of § 1.9000–3, the amount of the increase in tax shown on such statement for a year shall, except as provided in paragraph (b) be considered for all purposes of the Internal Revenue Code, as tax shown on the return for such year. In general, such increase shall be assessed and collected in the same manner as if it had been tax shown on the return as originally filed. The provisions of this paragraph may be illustrated by the following example:

Example. A taxpayer filed his return showing a tax liability computed under the methods of accounting provided by sections 452 and 462 as $1,000 and filed the statement in accordance with § 1.9000–3 showing an increase in tax liability of $200. The tax computed as though sections 452 and 462 had not been enacted is $1,200, and the difference of $200 is the increase in the tax attributable to the repeal of sections 452 and 462. This increase is considered to be tax shown on the return for such taxable year. Additions to the tax for fraud or negligence under section 6653 will be determined by reference to $1,200 (that is, $1,000 plus $200) as the tax shown on the return.

(b) *Years affected by a net operating loss carry-back.* In the case of a year which is affected by a net operating loss carryback from a year to which an election under section 452 or 462 applies, that portion of the amount of increase in tax shown on the statement for the year to which the loss is carried back which is attributable to a decrease in such net operating loss shall not be treated as tax shown on the return.

§ 1.9000–6 *Provisions for the waiver of interest*—(a) *In general.* If the statement is filed in accordance with § 1.9000–3 and if that portion of the increase in tax which is due before December 15, 1955 (without regard to any extension of time for payment and without regard to the provisions of §§ 1.9000–2 to 1.9000–8, inclusive) is paid in full on or before such date, then no interest shall be due with respect to that amount. The provisions of this paragraph may be illustrated by the following example:

Example. Corporation M's return for the calendar year 1954 was filed on March 15, 1955, and the tax liability shown thereon was paid in equal installments on March 15, 1955, and June 15, 1955. It filed a statement on December 15, 1955, showing the increase in its tax liability resulting from the repeal of sections 452 and 462 and paid at that time the increase in tax shown thereon. No interest will be imposed with respect to the amount of such payment.

Interest shall be computed under the applicable provisions of the internal revenue laws on any portion of the increase in tax shown on the statement which is due after December 15, 1955, and which is not paid when due.

(b) *Limitation on application of waiver* The provisions of paragraph (a) of this section shall not apply to any portion of the increase in tax shown on the statement if such increase reflects an amount in excess of that attributable solely to the repeal of sections 452 and 462, i. e., is attributable in part to excessive or unwarranted deferrals or accruals under section 452 or 462, as the case may be, in computing the tax liability with the application of such sections. Notwithstanding the preceding sentence, paragraph (a) of this section shall be applicable if the taxpayer can show that the tax liability as computed with the application of sections 452 and 462 is based upon a reasonable interpretation and application of such sections as they existed prior to repeal. If the taxpayer complied with the provisions of the regulations under sections 452 and 462 in computing the tax liability with the application of such sections, it will be regarded as having reasonably interpreted and applied sections 452 and 462. In this regard it is not essential that the taxpayer submit with its return the detailed information required by such regulations in support of the deduction claimed under section 462, but such information shall be supplied at the request of the Commissioner.

(c) *Interest for periods prior to June 16, 1955.* No interest shall be imposed with respect to any increase in tax resulting solely from the repeal of sections 452 and 462 for any period prior to June 16, 1955 (the day after the date of the

enactment of Public Law 74) The preceding sentence does not apply to that part of any increase in tax which is due to the improper application of sections 452 and 462. The provisions of this paragraph shall not apply to interest imposed under section 3779 of the 1939 Code. (See paragraph (d) of this section.)

(d) *Amounts deferred by corporations expecting carrybacks.* Interest shall be imposed at the rate of 6 percent on so much of the amount of tax deferred under section 3779 of the Internal Revenue Code of 1939 as is not satisfied within the meaning of section 3779 (i) (1) notwithstanding the fact that a greater amount would have been satisfied, had sections 452 and 462 not been repealed. Interest will be imposed at such rate until the amount not so satisfied is paid.

§ 1.9000–7 *Provisions for estimated tax*—(a) *Additions to tax under section 294 (d) of the 1939 Code.* Any addition to the tax under section 294 (d) (relating to estimated tax) of the Internal Revenue Code of 1939 shall be computed as if the tax for the year for which the estimate was made were computed with sections 452 and 462 still applicable to such taxable year. For the purpose of the preceding sentence, it is not necessary for the taxpayer actually to have made an election under section 452 or 462; it is only necessary for the taxpayer to have taken such sections into account in estimating its tax liability for the year. Thus, if in determining the amount of estimated tax, the taxpayer computed his estimated tax liability by applying those sections, that portion of any additions to tax under section 294 (d) resulting from the repeal thereof shall be disregarded.

(b) *Additions to tax under section 6654.* In the case of an underpayment of estimated tax any additions to the tax under section 6654, with respect to installments due before December 15, 1955, shall be computed without regard to any increase in tax resulting from the repeal of sections 452 and 462. Any additions to the tax with respect to installments due on or after December 15, 1955, shall be imposed in accordance with the applicable provisions of the Internal Revenue Code, and as though sections 452 and 462 had not been enacted. Thus, a taxpayer whose declaration of estimated tax was based upon an estimate of his taxable income for the year of the estimate which was determined by taking sections 452 and 462 into account, must file an amended declaration on or before the due date of the next installment of estimated tax due on or after December 15, 1955. Such amended declaration shall reflect an estimate of the tax without the application of such sections. If the taxpayer bases his estimate on the tax for the preceding taxable year under section 6654 (d) (1) (A) an amended declaration must be filed on or before the due date of the next installment due on or after December 15, 1955, if the tax for the preceding taxable year is increased as the result of the repeal of sections 452 and 462. Similarly, if the taxpayer bases his estimate on the tax computed under section 6654 (d) (1) (B), he must file an amended declaration on or before the due date of the next installment, due on or after December 15, 1955, taking into account the repeal of sections 452 and 462 with respect to the preceding taxable year. Any increase in estimated tax shown on an amended declaration filed in accordance with this paragraph must be paid in accordance with section 6153 (c)

(c) *Estimated tax of corporations.* Corporations required to file a declaration of estimated tax under section 6016 for taxable years ending on and after December 31, 1955, shall estimate their tax liability for such year as if sections 452 and 462 had never been enacted. Thus, if the corporation bases its estimated tax liability on its operations for the preceding taxable year under section 6655 (d) (1) or (2), the effect of the repeal of sections 452 and 462 with respect to such year must be taken into account.

§ 1.9000–8 *Extension of time for making certain payments*—(a) *Time for payment specified in Code.* (1) If the treatment of any payment (whether its allowance as a deduction or otherwise) is dependent upon the making of a payment within a period of time specified in the Internal Revenue Code the period within which the payment is to be made is extended where the amount to be paid is increased by reason of the repeal of sections 452 and 462: *Provided,* That:

(i) The taxpayer, because of a preexisting obligation, is required to make a payment or an additional payment to another person by reason of such repeal;

(ii) The deductibility of the payment or additional payment is contingent upon its being made within a period prescribed by the Code, which period expires after the close of the taxable year; and

(iii) The payment or additional payment is made on or before December 15, 1955.

If the foregoing conditions are met, the payment or additional payment will be treated as having been made within the time specified in the Internal Revenue Code, and, subject to the other conditions in the Code, it shall be deductible for the year to which it relates. The provisions of this paragraph may be illustrated by the following:

Example 1. Section 267 (relating to losses, expenses and interest between related taxpayers) applies to amounts accrued by taxpayer A for salary payable to B. For the calendar year 1954, A is obligated to pay B a salary equal to 5 percent of A's taxable income for the taxable year. The amount accrued as salary payable to B for 1954 is $5,000 with the taxable income reflecting the application of section 462. As a result of the repeal of section 462 the salary payable to B for 1954 is increased to $6,000. The additional $1,000 is paid to B on December 15, 1955. In recomputing A's tax liability for 1954 the additional deduction of $1,000 for salary payable to B will be treated as having been made within two and one-half months after the close of the taxable year and will be deductible in that year.

Example 2. On March 1, 1955, Corporation X, a calendar year taxpayer using the accrual method of accounting, makes a payment described in section 404 (a) (6) (relating to contributions to an employees' trust) of $10,000 which is accrued for 1954 and is determined on the basis of the amount of taxable income for that year. The taxpayer filed its return on March 15, 1955. By reason of the repeal of section 462, X's taxable income is increased so that it is required to make an additional contribution of $2,000 to the employees' trust. The additional payment is made on December 15, 1955. For purposes of recomputing X's tax liability for 1954, this additional payment is deemed to have been made on the last day of 1954.

(2) The time for inclusion in the taxable income of the payee of any additional payment of the type described in subparagraph (1) above, shall be determined without regard to section 4 (c) (3) of Public Law 74 and §§ 1.9000–2 to 1.9000–8, inclusive.

(b) *Dividends paid under section 561.* Under section 4 (c) (4) of Public Law 74 the period during which distributions may be recognized as dividends paid under section 561 for a taxable year to which section 452 or 462 apply may be extended under the conditions set forth below.

(1) *Accumulated earnings tax or personal holding company tax.* In the case of the accumulated earnings tax or the personal holding company tax, if—

(i) The income of a corporation is increased for a taxable year by reason of the repeal of sections 452 and 462 so that it would become liable for the tax (or an increase in the tax) imposed on accumulated earnings or personal holding companies unless additional dividends are distributed;

(ii) The corporation distributes dividends to its stockholders after the 15th day of the 3d month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its accumulated taxable income or undistributed personal holding company income, as the case may be, resulting from the repeal of sections 452 and 462, and

(iii) The corporation elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply

then such dividends shall be treated as having been paid on the last day of the taxable year to which the statement applies.

(2) *Regulated investment companies.* In the case of a regulated investment company taxable under section 852, if—

(i) The taxable income of the regulated investment company is increased by reason of the repeal of sections 452 and 462 (without regard to any deduction for dividends paid as provided for in this subparagraph)

(ii) The company distributes dividends to its stockholders after the 15th day of the 3rd month following the close of its taxable year and on or before December 15, 1955, which dividends are attributable to an increase in its investment company income resulting from the repeal of sections 452 and 462; and

(iii) The company elects in its statement, submitted under § 1.9000–3, to have the provisions of section 4 (c) (4) of Public Law 74 apply—

then such dividends are to be treated as having been paid on the last day of

the taxable year to which the statement applies. The dividends paid are to be determined under this subparagraph without regard to the provisions of section 855.

(3) *Related provisions.* An election made under subparagraph (1) or (2) of this paragraph is irrevocable. The time for inclusion in the taxable income of the distributees of any distributions of the type described in subparagraph (1) or (2) of this paragraph shall be determined without regard to section 4 (c) (4) of Public Law 74, and §§ 1.9000–2 to 1.9000–8, inclusive.

[F. R. Doc. 55–8765; Filed, Oct. 27, 1955; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 929, 956]

[Docket Nos. AO 235–A2, AO 260–A1]

MILK IN SIOUX FALLS-MITCHELL, S. DAK., MARKETING AREA AND IN EASTERN SOUTH DAKOTA MARKETING AREA

PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Nordic Hall, 218 West 13th Street, Sioux Falls, South Dakota, beginning at 10:00 a. m., c. s. t., November 3, 1955.

Subject and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Sioux Falls-Mitchell, South Dakota, and Eastern South Dakota marketing areas and to the provisions specified in the proposals listed below or some other provisions appropriate to the Agricultural Marketing Agreement Act of 1937 which will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937.

Amendments were proposed as follows:

Proposed by the Sioux Valley Cooperative Milk Producers Association and the James Valley Cooperative Milk Producers Association:

1. Amend § 956.50 (a) (Order No. 56 regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area) as follows:

§ 956.50 (a) *Class I Price.* The Class I price shall be the price computed pursuant to paragraph (b) of this section plus $1.85 for all delivery periods prior to and including April 1956 and thereafter plus $1.40.

Proposed by the Aberdeen Cooperative Milk Producers Association, Beadle County Cooperative Milk Producers Association and the Spink County Cooperative Milk Producers Association:

2. Amend § 929.51 (a) (Order No. 29 regulating the handling of milk in the Eastern South Dakota marketing area) as follows:

§ 929.51 (a) *Class I Milk Price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.85 for all delivery periods prior to and including April 1956 and thereafter plus $1.40.

Copies of this notice of hearing may be procured from the Market Administrator, 423 S. Phillips Avenue, Sioux Falls, South Dakota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: October 25, 1955.

[SEAL] ROY W LENNARTSON, *Deputy Administrator*

[F. R. Doc. 55–8735; Filed, Oct. 27, 1955; 8:54 a. m.]

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON AND WASHINGTON

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO BUDGET OF EXPENSES OF THE WALNUT CONTROL BOARD AND RATES OF ASSESSMENT FOR THE MARKETING YEAR BEGINNING AUGUST 1, 1955

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule set forth herein pursuant to the provisions of Marketing Agreement No. 105, as amended, and Order No. 84, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington (20 F R. 5387) effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

Prior to the final issuance of such administrative rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if said tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

The proposed budget of $112,000, the assessment rate of 0.12 cent per pound of merchantable unshelled walnuts handled or certified for handling, and the assessment rate of 0.15 cent per pound of shelled walnuts handled or declared for handling during the marketing year beginning August 1, 1955, have been unanimously recommended by the Walnut Control Board, the administrative agency under said amended agreement and order.

The proposed budget is approximately $8,000 below actual expenses of the Board for the 1954–55 marketing year. This reduction appears justified in view of the fact that volume regulations will not be in effect for the 1955–56 marketing year.

On the basis of the proposed assessment rates and the estimated quantities of merchantable unshelled walnuts and shelled walnuts to be handled in the 1955–56 marketing year the Board's expenses would be prorated approximately 78 percent to the first (unshelled) category and 22 percent to the second (shelled) category of walnuts. This appears to be an equitable division of program costs between the two categories.

Therefore, the proposed administrative rule is as follows:

§ 984.307 *Budget of expenses of the Walnut Control Board and rates of assessment for the marketing year beginning August 1, 1955*—(a) *Budget of expenses.* Expenses in the amount of $112,000 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the amended agreement and order, determine to be appropriate for the marketing year beginning August 1, 1955.

(b) *Rates of assessment.* Each handler shall pay to the Control Board on demand from time to time 0.12 cent per pound of merchantable walnuts handled or certified for handling and 0.15 cent per pound of shelled walnuts handled or declared for handling by him during the marketing year beginning August 1, 1955.

Done at Washington, D. C., this 25th day of October 1955.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division.*

[F. R. Doc. 55–8734; Filed, Oct. 27, 1955; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

TOPPENISH SIMCOE PROJECT, YAKIMA INDIAN RESERVATION, WASHINGTON

OPERATION AND MAINTENANCE CHARGES

OCTOBER 21, 1955.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238 U. S. C. 1001) and pursuant to the acts of August 11, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned Area Director, Portland Area Office, Portland, Oregon by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F R. 3456–3457), a notice is hereby given of intention to modify § 130.73 Charges, of Title 25, Code of Federal Regulations, dealing with the operation and maintenance assessments against the area benefited by the irrigation systems on the Toppenish Simcoe Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual operation and maintenance assessments from $1.75 per acre to $2.25 per acre against all

lands for which application for water is made and approved by the Project Engineer.

Interested parties are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data or arguments in writing to Don C. Foster, Area Director, Bureau of Indian Affairs, Post Office Box 4097, Portland 8, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

H. W MOORE,
Acting Area Director

[F. R. Doc. 55-8691; Filed, Oct. 27, 1955; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

NOTICE OF PROPOSED RULE MAKING

In the matter of adopting a definition and standard of identity for canned prune juice, a water extract of dried prunes:

Notice is hereby given that a petition has been filed by the National Canners Association, 1133 Twentieth Street NW., Washington 6, D. C., whose members include manufacturers of canned prune juice, a water extract of dried prunes, setting forth a proposal to adopt a definition and standard of identity for canned prune juice, a water extract of dried prunes. The proposal is set out below.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996) all interested persons are invited to submit their views in writing regarding the proposal of the above-named petitioner as published in this notice. All views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Washington 25, D. C., and should be posted prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposal of the petitioner is as follows:

It is proposed that Part 27 be amended by adding the following new section:

§ 27.___ *Canned prune juice; identity; label statement of optional ingredients.* (a) Canned prune juice is the food prepared from the water extract of dried prunes and contains not less than 18.0 percent by weight of soluble solids derived from dried prunes. Such food may contain one or more of the optional acidulants specified in paragraph (b) of this section. Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional acidulants referred to in paragraph (a) of this section are:

(1) Lemon juice.
(2) Lime juice.
(3) Citric acid.
(4) Lactic acid.
(5) Malic acid.
(6) Tartaric acid.

The amount of optional acidulant or any combination of two or more of these acidulants that may be added to prune juice containing not less than 18.0 percent by weight of soluble solids derived from dried prunes shall be that quantity which is necessary for flavoring.

(c) (1) The label shall bear the name "Prune juice, a water extract of dried prunes." When one or more of the optional ingredients permitted by paragraph (b) of this section are used, the label shall bear the name or names of such ingredient or ingredients, in order of predominance, if any, of the weight of such ingredients. Such name or names shall be preceded by the words "Flavored with."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this section, showing the optional ingredients used, shall immediately and conspicuously follow such name, without intervening written, printed, or graphic matter.

Dated: October 21, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-8690; Filed, Oct. 27, 1955; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 11467]

PETITION ON HIGH FREQUENCY STABILIZED ARC WELDERS

EXTENSION OF TIME FOR FILING REPLIES TO COMMENTS

In the matter of Amendment of Part 18 of the Commission's Rules and Regulations concerning the operation of radio frequency stabilized arc welding.

The Commission having under consideration a Notice of Proposed Rule Making in the above-entitled matter adopted on July 27, 1955, providing that written comments in connection therewith be filed by interested persons on or before November 1, 1955, and replies to these comments within ten (10) days of this date; and

It appearing, That the Commission has recently received a petition from the Joint Industry Committee on High Frequency Stabilized Arc Welders requesting that the time for filing replies to the comments submitted to the above-entitled proceeding be extended from November 10, 1955, to December 9, 1955, and

It further appearing, That the Joint Industry Committee on High Frequency Stabilized Arc Welders is unable to meet and formally function within the ten days presently allotted for filing replies to the original comments since its members are located at widely separated parts of the United States; and

It further appearing, That the public interest would be served by granting the petition for extending the time for filing replies to the comments submitted in this proceeding;

It is ordered, This 24th day of October that the petition is granted and the date for filing replies to the comments submitted in this proceeding is hereby extended until December 9, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8702; Filed, Oct. 27, 1955; 8:48 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

Athens Garment Co., Athens, Ala., effective 10-24-55 to 10-23-56; 10 learners for normal labor turnover purposes (work shirts).

Bass Manufacturing, Inc., 101 West End Road, Wilkes-Barre, Pa., effective 10-12-55 to 10-11-56; 8 learners for normal labor turnover purposes (children's pajamas and dresses).

Michael Berkowitz Co., Inc., Barton Mill Road, Uniontown, Pa., effective 10-28-55 to 10-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' pajamas).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn., effective 10-20-55 to 10-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind., effective 10-28-55 to 10-27-56; 10 percent of the total number of factory production workers engaged in the production of men's woven pajamas (men's woven pajamas).

Champion Garment Company, 100½ West Second Avenue, Rome, Ga., effective 10-14-55 to 10-13-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and semi-dress slacks).

Cowden Manufacturing Co., Woodward, Okla., effective 10-18-55 to 2-29-56; 50 learners for plant expansion purposes (denim dungarees).

Cowden Manufacturing Co., Woodward, Okla., effective 10-18-55 to 10-17-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim dungarees).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress shirts).

Elder Manufacturing Co., Carl Junction, Mo., effective 10-20-55 to 10-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Elder Manufacturing Co., Webb City, Mo., effective 10-22-55 to 10-21-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' and juvenile shirts).

Eureka Pants Manufacturing Co., Shelbyville, Tenn., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Fleetline Industries, Inc., Garland, N. C., effective 10-11-55 to 2-29-56; 35 learners for plant expansion purposes (men's sport shirts).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, overalls, and jackets).

J. Grinchuck Co., Braidwood, Ill., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers).

Hane Manufacturing Co., Snyder County, Shamokin Dam, Pa., effective 10-13-55 to 10-12-56; 10 learners for normal labor turnover purposes (boys' sport and dress shirts).

Heavy Duty Manufacturing Co., Gainesboro, Tenn., effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

La Crosse Sportswear Corp., La Crosse, Va., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

La Crosse Sportswear Corp., La Crosse, Va., effective 10-12-55 to 2-29-56; 10 learners for plant expansion purposes (sport shirts).

Langwear, Inc., 608 North Clark Street, River Falls, Wis., effective 10-11-55 to 10-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work and sport and children's garments).

Marianna Manufacturing Co., Marianna, Ark., effective 10-15-55 to 2-29-56; 50 learners for plant expansion purposes (men's trousers).

Metric Shirt Corp., Belton, S. C., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Mount Carmel Blouse Corp., 51 North Spruce Street, Mount Carmel, Pa., effective 10-13-55 to 10-12-56; 5 learners for normal labor turnover purposes (ladies' blouses).

Nettleton Garment Co., Inc., Nettleton, Miss., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' cotton work pants).

Pike Garments Inc., Troy, Alabama, effective 10-14-55 to 2-29-56; 50 additional learners for plant expansion purposes (men's and boys' pajamas) (supplemental certificate).

Carl Pool Manufacturing Co., 146 Stribling Street, San Antonio, Tex., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (trousers, shirts, and jackets).

Portland Sportswear Co., 148 Middle Street, Portland, Maine, effective 10-12-55 to 10-11-56; 1 learner for normal labor turnover purposes (boys' surcoats, storm coats, pea coats, etc.).

Press Dress & Uniform Co., Hummelstown, Pa., effective 10-19-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (maids' and nurses' uniforms and cotton dresses).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 10-14-55 to 2-7-56; 50 learners for plant expansion purposes (work shirts, work pants) (supplemental certificate).

Rice-Stix Factory No. 16, Water Valley, Miss., effective 10-15-55 to 2-29-56; 10 learners for plant expansion purposes (work pants, work shirts).

Rice-Stix Factory No. 16, Water Valley, Miss., effective 10-15-55 to 10-14-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, work shirts).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa., effective 10-29-55 to 10-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's and girls' dresses).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (washable service apparel, uniforms).

Shreveport Garment Manufacturers, 410 Commerce St., Shreveport, La., effective 10-21-55 to 10-20-56; 10 learners for normal labor turnover purposes (girls', men's and boys' denim dungarees; cotton work pants).

Walls Manufacturing Co., Inc., Clifton, Tex., effective 10-17-55 to 2-29-56; 50 learners for plant expansion purposes (men's one piece work suits; children's sportswear).

The Warner Bros. Co., Moultrie, Ga., effective 10-8-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

Washington Overall Manufacturing Co., Scottsville, Ky.; effective 10-26-55 to 10-25-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work and sport pants).

Weldon Manufacturing Co., 1307 Park Avenue, Williamsport, Pa., effective 10-17-55 to 10-16-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas and sport shirts).

Wyoming Valley Garment Co., 212 South Washington Street, Wilkes-Barre, Pa., effective 10-12-55 to 10-11-56; 10 learners for normal labor turnover purposes (men's and boys' pants).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C., effective 10-1-55 to 9-30-56; 10 learners for normal labor turnover purposes (women's, misses' and children's panties).

Carolina Underwear Co., Inc., Forsyth Division, Forsyth Street, Thomasville, N. C., effective 10-1-55 to 2-29-56; 15 learners for plant expansion purposes (women's, misses', and children's panties).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended April 19, 1955, 20 F R. 2304)

Chattooga Mills, Inc., Summerville, Ga., effective 9-14-55 to 9-13-56; 5 learners for normal labor turnover purposes (seamless).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F R. 2304)

Churchill-Swanson Manufacturing Co., Centralia, Wash., effective 10-13-55 to 4-13-56; 5 additional learners for normal labor turnover purposes (supplemental certificate) (cotton, leather-palm and all leather work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35 as amended April 19, 1955, 20 F R. 2304)

Boonville Manufacturing Corp., 302-316 Second Street, Boonville, Ind., effective 10-28-55 to 10-27-56; 5 percent of the total number of factory production workers engaged in the production of men's underwear, for normal labor turnover purposes (men's woven shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Pamcor, Inc., Carolina Street, Rio Piedras, P. R., effective 10-4-55 to 4-3-56; 10 persons may be employed as learners on any one workday in the occupations of assembly, brazing, P. G. connector, P G. terminal, set up, and inspection; 240 hours at 50 cents an hour, 240 hours at 60 cents an hour (manufacture of electrical terminals and connectors).

Rico Glove Corp., Cayey, P R., effective 9-29-55 to 3-28-56; 40 persons to be employed as learners in the occupation of machine sewing, 160 hours at 35 cents an hour, 160 hours at 43 cents an hour, 160 hours at 52 cents an hour (fabric and leather gloves).

Weston Puerto Rico, Inc., 454 Pefiuelas Road, Ponce, P. R., effective 9-30-55 to 3-29-56; 50 persons to be employed as learners in the occupations of coil winding, sub-assembly, assembly, adjusting and inspection; each 240 hours at 50 cents an hour, 240 hours at 60 cents an hour (assembly of electrical measuring instruments).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of October, 1955.

MILTON BROOKE,
Authorized Representative of the Administrator

[F. R. Doc. 55-8700; Filed, Oct. 27, 1955; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 65653]

ALASKA

REVOKING DEPARTMENTAL ORDER OF MAY 21, 1908, WHICH WITHDREW PUBLIC LANDS FOR SCHOOL PURPOSES

OCTOBER 21, 1955.

Upon the recommendation of the Bureau of Indian Affairs, and in accordance with Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

The order of the Assistant Secretary of the Interior of May 21, 1908, reserving the following-described public lands at Rampart, Alaska, for educational purposes is hereby revoked:

Commencing at the initial post, which is marked Post No. 1; thence in an easterly direction 700 feet to Post No. 2; thence in a southerly direction 205 feet to Post No. 3; thence in a westerly direction 700 feet to Post No. 4; thence in a northerly direction 205 feet to initial post, or Post No. 1, identified by U. S. Survey No. 2242.

The tract described contains approximately 3.19 acres.

Subject to any existing valid rights and the requirements of applicable law, the above-described land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended) presented prior to 10:00 a. m. on November 26, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on February 25, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on February 25, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on February 25, 1956.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 55-8698; Filed, Oct. 27, 1955; 8:47 a. m.]

[61193]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

OCTOBER 21, 1955.

1. Plats of survey of omitted lands described below will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m. on November 28, 1955.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 40 N., R. 10 E.,
Sec. 1, Lots 5, 6, 7, 8, 9 and 10.
T. 38 N., R. 11 E.,
Sec. 9, Lot 7.

The area described aggregates 86.99 acres.

2. Available information indicates that the lands in T. 40 N., R. 10 E., are high, rolling upland, with a sandy loam soil reaching approximately 50 feet above the water level of Deerskin Lake; that the timber consists of a fair stand of birch, poplar, maple, oak, norway, white pine, spruce and ironwood, ranging from 4 to 24 inches in diameter.

3. Available information indicates that lot 7 sec. 9, T. 38 N., R. 11 E., is principally swamp in character and appears to be swamp and overflow within the meaning of the Act of September 28, 1950 (9 Stat. 519) Should the land finally be determined to be swamp and overflow in character, it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by sec. 271.2 of Title 43 of the Code of Federal Regulations.

4. The lands in said T. 40 N., R. 10 E., are hereby opened to disposal only under the Act of February 27, 1925 (43 Stat. 1013, 43 U. S. C. 994), and the Act of August 24, 1954 (68 Stat. 789) Claimants under the 1925 act, supra, have a preferred right of application for a period of 90 days from November 28, 1955. Applications for public lands under the 1954 act, supra, must be filed within one year from November 28, 1955. No patents will be issued for the above-described lands prior to November 29, 1956.

5. Any of the above-described lands not patented under the acts of 1925 and 1954, supra, shall not become subject to disposition under the general public land laws until it is so provided by an appropriate order.

6. Inquiries concerning the above-described lands shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

CHARLES P. MEAD,
Acting Manager.

[F. R. Doc. 55-8717; Filed, Oct. 27, 1955; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7233, et al.]

PANAMA CITY, FLORIDA-ATLANTA INVESTIGATION

NOTICE OF HEARING

In the matter of the Board investigation and certain applications for certificates or amendments to certificates of public convenience and necessity in the consolidated proceeding known as the Panama City, Florida-Atlanta Investigation.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) 401, and 1002 (i) of said act, and the applicable regulations thereunder, that

a hearing in the above-entitled proceeding is assigned to be held on November 16, 1955, at 10:00 a. m., c. s. t., at the Dixie Sherman Hotel, Fifth Street and Jenks Avenue, Panama City, Florida, before Examiner William F Cusick.

For further details regarding this proceeding, interested parties are referred to the Board's Order Nos. E-9457 and E-9666, the report of the prehearing conference in this matter, served October 18, 1955, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions;

(1) Whether through one-carrier air transportation between Panama City Florida, and Atlanta, Georgia, is required by the public convenience and necessity.

(2) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates to any of the applicants that are parties to this proceeding.

(3) Are the applicants fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this consolidated proceeding must file with the Board on or before November 16, 1955, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D. C., October 24, 1955.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F. R. Doc. 55-8733; Filed, Oct. 27, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11491, FCC 55-1048]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notice of Proposed Rule Making (FCC 55-888) setting forth the above amendment was issued by the Commission on September 1, 1955, and was duly published in the FEDERAL REGISTER (20 F R. 6666) which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before September 30, 1955; and

It further appearing, that the only objection filed protested deletion of Channel No. 270 from the Clarksville, Tennessee, allocations, pointing out that deletion of the channel would leave only one available channel in the city where there are two AM stations which may be possible applicants for FM stations;

It further appearing that a number of other Class B FM channels are available in the area and can be allocated to Clarksville, Tennessee, and the addition of one of these channels, Channel No. 282, to replace the deleted Channel No. 270 will again make two channels available in the city;

It further appearing that Channel No. 282 can be added to the Clarksville allocations without causing any objectionable interference to existing stations or other vacant allocations in the area;

It further appearing that the adoption of the amendment would enable Commission consideration of an application requesting assignment of Channel No. 270 for a new FM broadcasting station in Central City, Kentucky;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the cities of Central City Kentucky; Clarksville, Tennessee; and Evansville, Indiana.

General area	Channels	
	Delete	Add
Central City, Ky.		270
Clarksville, Tenn.	270	282
Evansville, Ind. (Henderson, Ky.) (Owensboro, Ky.)	273	291

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8703; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11518, FCC 55-1037]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER INSTITUTING INVESTIGATION

In the Matter of American Telephone and Telegraph Company Docket No. 11518; charges, classifications, regulations and practices for and in connection with multiple private line services and channels.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration Transmittal Nos. 4992, 4994 and 5004 and certain new tariff schedules filed therewith by the American Telephone and Telegraph Company (A. T. & T.) on September 23 and 29 and October 14, 1955, to become effective November 1, 1955, providing for new rates and regulations for multiple private line services and channels, which comprise groups of services and channels furnished for communication by means of telephone, teletypewriter or Morse equipment, for transmission of picture material by means of telephotograph transmission apparatus provided by the customer, and for operation of remote metering, supervisory control or miscellaneous signalling devices provided by the customer, said tariff schedules being designated as follows:

Tariff F C. C. No. 134

14th Revised Page 3.
10th Revised Page 5.
8th Revised Page 10.
3d Revised Page 10D.
2d Revised Page 10E.
2d Revised Page 10F
14th Revised Page 14.

Tariff F C. C. No. 135

8th Revised Page 6.

Tariff F C. C. No. 140

6th Revised Page 5.

Tariff F C. C. No. 145

7th Revised Page 6.

Tariff F C. C. No. 208

7th Revised Page 7.

Tariff F C. C. No. 220

1st Revised Page 5.
2d Revised Page 7.
5th Revised Page 10.
Original Page 13.

Tariff F C. C. No. 227

Original Title Page and Original Pages 1 through 10.
1st Revised Page 1.
1st Revised Page 2.
1st Revised Page 7.
1st Revised Page 10.

and also having under consideration A. T. & T.'s currently effective Tariffs F C. C. Nos. 135, 140, 208, and 220 applicable to Private Line Telephone Service and Channels, Channels for Telephotograph Transmission, Private Line Teletypewriter and Morse Service and Channels and Channels for Remote Metering, Supervisory Control and Miscellaneous Signalling, respectively; A. T. & T.'s currently effective Tariffs F C. C. Nos. 134, General Regulations for Private Line Services and Channels, and 145, Construction Charges, insofar as they apply to the above-mentioned new tariff schedules; a letter dated October 14, 1955, from A. T. & T. furnishing additional information concerning the new tariffs; a petition filed October 12, 1955, by The Western Union Telegraph Company requesting the Commission to suspend and investigate the lawfulness of the new tariff schedules; and a reply to such petition filed by A. T. & T. on October 19, 1955; and

It appearing that the above-mentioned new tariff schedules are designed to afford users of multiple private line channels and services between specific pairs of points a declining rate per channel as the number of such channels

increases, in contrast with the currently effective tariff schedules applicable to private line services and channels which do not provide for any reduction in charges as the number of channels increases; and

It further appearing that the rate structure contained in the above-mentioned new tariff schedules differs in material respects from the rate structure contained in the currently effective tariffs enumerated above; and

It further appearing that the Commission is unable to determine from an examination of the above-mentioned new tariff schedules and Tariffs F. C. C. Nos. 134 and 145 insofar as they apply to the new tariff schedules whether the charges, classifications, regulations and practices contained therein are or will be lawful under the provisions of the Communications Act of 1934, as amended; and

It further appearing that, if the above-mentioned new tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby:

It is ordered, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules and those contained in Tariffs F C. C. Nos. 134 and 145 insofar as they are applicable to the new tariff schedules;

It is further ordered, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new tariff schedules is hereby suspended until the 1st day of February 1956, unless otherwise ordered by the Commission; and that during such period of suspension no changes shall be made in said tariff schedules unless authorized by special permission of the Commission;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

1. Whether the above-mentioned new tariff schedules in themselves and also in relationship to the currently effective tariff schedules set forth above will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended.

2. Whether any of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules and in Tariff F C. C. Nos. 134 and 145 insofar as they are applicable to the new tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended.

3. Whether the Commission should prescribe just and reasonable charges, classifications, regulations and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules under investigation herein.

4. The effect of the new tariff schedules on competition in the field of private line teletypewriter service and channels.

It is further ordered, That a copy of this Order be filed in the offices of the Commission with the tariff schedules herein suspended; that all carriers listed in the suspended tariff schedules as concurring and connecting carriers are hereby made parties respondent to this proceeding; that The Western Union Telegraph Company is hereby granted leave to intervene herein, provided that, not less than 20 days from the date of receipt of a copy of this Order, it shall file a notice of intention to intervene and to appear and participate in the proceedings herein; and that a copy of this Order shall be served on all parties respondent and the Western Union Telegraph Company:

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D. C., beginning at 10:00 a. m. on the 21st day of November 1955; and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or a Recommended Decision.

Released: October 21, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8704; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket Nos. 11519, 11520; FCC 55-1047]

GREENVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re Applications of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP-9522; Western Ohio Broadcasting Co., Inc., Greenville, Ohio, Docket No. 11520, File No. BP-9888; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of October 1955;

The Commission having under consideration the above-entitled applications of The Greenville Broadcasting Corporation and Western Ohio Broadcasting Co., Inc., each for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, directional antenna, daytime only, at Greenville, Ohio;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference; that both proposals would cause interference to Station WISH, Indianapolis; and that the proposal of The Greenville Broadcasting Corporation would receive interference from Stations WISH, WHOK, Lancaster, Ohio; and WILS, Lansing, Michigan; to the extent that more than 10 percent of the population within its normally protected primary service area would be affected in contravention of section 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated August 5, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that in a letter dated July 12, 1955, Station WISH requested that the applications be designated for hearing and that it be made a party to the proceeding on grounds of the above-described interference; and

It further appearing that The Greenville Broadcasting Corporation in a letter dated September 2, 1955, requested an extension of thirty days in which to reply to the Commission's letter and to file an amendment specifying a new transmitter site and changes in directional antenna; that in a letter dated September 7, 1955, Western Ohio Broadcasting Co., Inc., opposed the request on the grounds that ample time has been available for making such changes; and that the Commission is of the opinion that it would be expeditious to here deny the request for extension, as leave to amend may be granted for good cause shown after designation for hearing; and

It further appearing that the Commission, after consideration of the above replies, is of the opinion that a hearing is necessary:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether each of the proposed operations would cause objectionable interference to Station WISH, Indianapolis, Indiana; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by The Greenville Broadcasting Corporation would receive interference from Stations WISH, Indianapolis, Indiana; WHOK, Lancaster, Ohio; and WILS, Lansing, Michigan; or any

other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and whether, because of the said interference, the proposed operation would comply with section 3.28 (c) of the Commission's Rules.

4. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications, should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether funds available to the applicant will give reasonable assurance that the proposal set forth in the application will be effectuated.

It is further ordered, That Universal Broadcasting Company, licensee of Station WISH, Indianapolis, Indiana, is made a party to the proceeding.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8705; Filed, Oct. 27, 1955; 8:48 a. m.]

[Docket No. 11521, FCC 55-1049]

HOWARD E. GRIFFITH (KUZN)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re Application of Howard E. Griffith (KUZN) West Monroe, Louisiana, Docket No. 11521, File No. BP-9902; for construction permit.

1. The Commission has before it for consideration a protest filed on September 29, 1955, by James A. Noe, licensee of standard broadcast station KNOE, Monroe, Louisiana (1390 kc, 5 kw, DA-N, Unl.) pursuant to section 309 (c) of the Communications Act of 1934, as amended, protesting the Commission's action of August 31, 1955, granting without hearing the above-entitled application of Howard E. Griffith for a construction permit for a new standard broadcast station (KUZN) to operate on 1310 kilocycles with a power of 1 kilowatt, daytime only, at West Monroe, Louisiana; and oppositions to said protest filed on October 4 and 10, 1955, by Howard E. Griffith.

2. West Monroe, Louisiana, is adjacent to Monroe, Louisiana, is separated therefrom by the Ouachita River and is an independently constituted municipality. There are no existing broadcast stations in West Monroe. Three standard broadcast stations, one FM station and one TV station are licensed to serve Monroe: KNOE, KMLB (1410 kc, 1 kw-5 kw-LS, DA-N, Unl.) KLIC (1230 kc, 250 w, Unl.) KMLB-FM and KNOE-TV (Channel 8) The protestant is also the licensee of KNOE-TV and has an application pending to change the facilities of KNOE to 540 kc, 5 kw-LS, DA-N, Unl. The permittee of KUZN is also the licensee of standard broadcast station KTLD, Tallulah, Louisiana, which is approximately 55 miles east of West Monroe.

3. Protestant claims that he is a party in interest within the purview of section 309 (c) of the Communications Act of 1934, as amended because Station KNOE would suffer economic injury from the operation of Station KUZN in West Monroe, Louisiana, which city, the protestant states, is "geographically only an extension or part of the Monroe market area" In support of his protest, protestant alleges, in substance that the Monroe-West Monroe market cannot support another radio station, that the permittee is licensee of standard broadcast station KTLD, Tallulah, Louisiana, that the service areas of the authorized West Monroe station and Station KTLD would overlap a "distance of thirty miles"; that the permittee is not financially qualified to construct and operate Station KUZN; that his "actual net worth is substantially less than the amount stated"; that the values listed in Griffith's balance sheet for residence property and Station KTLD ($24,000 and $20,000 respectively) are not substantiated, that the permittee "cannot successfully withstand" his expected loss of $5,000 for the first year's operation; that three existing standard broadcast stations in Monroe, Louisiana, are "the absolute optimum number of stations which can profitably exist in the Monroe-West Monroe market area"; that in 1950 the population of Monroe was 38,572 and of West Monroe 10,302; that in 1952 there were 635 retail outlets in Monroe with sales of $62,679,000 and wholesale sales were $68,054,000; that in 1954 KNOE lost $28,376.59 and through August 1955 has shown a profit of only $3,955.25 "despite stringent operating economies"; that the permittee sold his interest in television Station KFAZ, Monroe, Louisiana, operating on UHF Channel 43, less than a year after it had commenced operation; and that the same television station surrendered its license shortly thereafter, which is "strongly persuasive that the Monroe market cannot profitably support another radio station without resultant deterioration in the capacity of existing stations to serve the public convenience and necessity"

4. In his oppositions to KNOE's protest, the permittee contends that the protestant has not shown that he is a party in interest under section 309 (c), that KNOE would suffer no economic injury because the existing stations in Monroe "have not been able to handle the business that is available to them now"; that the businessmen and civic organizations of West Monroe have a great need for local radio facilities; that since 1950 the population of West Monroe has more than doubled and is now estimated at 26,000; that industrial organizations in West Monroe have shown equal growth; that the average income for families in West Monroe is 30 per cent above the national average; that KUZN would help the stations in Monroe since "it will force more business on the Monroe stations, because for the first time the West Monroe businessmen will have a way to promote their own products and services"; that the failure of television station KFAZ-TV was due to the "well-known nation-wide story of UHF versus VHF and the networks, and not to the inability of this market to support it"; that the protestant's allegation of insufficient advertising revenue being available to support additional radio facilities in the Monroe-West Monroe market is refuted by the fact that the protestant himself proposes to "spend a tremendous amount of money" to increase the power of Station KNOE to 10,000 watts and change frequency to 540 kilocycles in an application now pending before the Commission; that the signal strengths of Stations KUZN and KTLD "are virtually worthless" in the KUNZ-KTLD overlap area because of "high atmospheric and power line noises"; that the permittee's residential property has been appraised by a local mortgage loan and real estate firm at $27,750; that the $20,000 valuation listed for Station KTLD covers only the physical assets with no allowance for "the good will and profitable business that it is"; that permittee's Griffith Electric Company has shown a net profit in excess of $10,000 for the first eight months of 1955 and that "with the income tax structure as it is, if the new station did loss $5,000 a year, its loss to my personal income would be negligible" and that protestant has not alleged the "facts, matters and things relied upon" with the requisite specificity.

5. In view of the fact that the protestant is the licensee of standard broadcast station KNOE and television station KNOE-TV Monroe, Louisiana; that Monroe is adjacent to West Monroe, Louisiana and that protestant's stations and the permittee's station will compete for advertising revenues; and that the protestant has alleged that it will suffer economic injury as a result of the grant complained of, we find the protestant to be a "party in interest" within the meaning of Section 309 (c) of the Communications Act of 1934, as amended. T. E. Allen and Sons, Inc., 9 Pike and Fischer R. R. 197 Federal Communications Com-

mission v. Sanders Brothers Radio Station, 309 U. S. 407 (9 Pike and Fischer RR 2008)

6. We find further that the facts, matters and things relied upon by the protestant have been specified with sufficient particularity to warrant designating the above-entitled application for hearing. The protestant has framed the following issues upon which it requests an opportunity to present evidence at a hearing:

1. Whether it is reasonably probable that the market can support a fourth radio station without the occurrence of either inadequate revenue to the fourth station and its resultant failure, or the failure of one or more of the existing stations, or the rendering by the new station or existing stations of inadequate programming service.

2. Whether it is in the public interest to permit applicant to compete with his own wholly owned station at Tallulah, Louisiana, within substantially the same market area.

3. Whether Griffith is financially qualified to construct and operate the proposed station.

With respect to issue "1" above, it should be pointed out that the retention of such issue for hearing does not constitute a determination at this time that the competitive effect of the permittee's proposed station on protestant's station is a relevant consideration. This question will be determined at the hearing. Further, proposed issue "2" has been rephrased without changing the purpose and intent thereof.

7. In view of the foregoing, *it is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below with respect to the protest of James A. Noe; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine whether it is reasonably probable that the West Monroe-Monroe, Louisiana market can support a fourth radio station with the occurrence of either inadequate revenue to the fourth station and its resultant failure, or the failure of one or more of the existing stations, or the rendering by the new station or existing stations of inadequate programming.

2. To determine whether a grant of the subject West Monroe application would be in contravention of the provisions of section 3.35 of the Commission's rules and the Commission's policies adopted thereunder.

3. To determine whether the permittee is financially qualified to construct and operate Station KUZN.

4. To determine whether, on the basis of the evidence adduced at the above hearing, the grant of the above-entitled application should be set aside.

The burden of proof as to each of the above issues shall be on the protestant.

It is further ordered, That protestant and the Chief, Broadcast Bureau are hereby made parties to the above-described proceedings and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on November 30, 1955, before an Examiner of the Commission; and

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than November 23, 1955.

Adopted: October 19, 1955.

Released: October 24, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8706; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket Nos. 10722, 11395; FCC 55M-893]

ALVARADO BROADCASTING CO.

ORDER CONTINUING HEARING

In re Applications of Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico; Docket No. 10722, File No. BP-8782; for construction permit. Alvarado Broadcasting Company, Inc. (KOAT), Albuquerque, New Mexico; Docket No. 11395, File No. BI-5399; for license to cover construction permit.

The Hearing Examiner having under consideration the oral request of counsel for applicant for a further continuance of the hearing now scheduled for November 15, 1955, to February 13, 1956, and for a further extension of the time for exchange of exhibits from November 14, 1955, to February 10, 1956;

It appearing, That applicant has pending before the Commission an application for change of frequency to 920 kc, which, if granted, would apparently render the present proceedings moot, and that applicant is engaged in making field measurements in connection with this application;

It further appearing, That counsel for the other parties have no objection to the grant of the instant request;

It is ordered, This 21st day of October 1955, that the oral request is granted, and that the hearing now scheduled for November 15, 1955, is continued to Monday, February 13, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the time for exchange of exhibits is extended from November 14, 1955, to Friday, February 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8729; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket Nos. 10344, 10345; FCC 55M-890]

RADIO ASSOCIATES, INC., AND WLOX BROADCASTING CO.

ORDER CONTINUING HEARING

In re Applications of Radio Associates, Inc., Biloxi, Mississippi, Docket No. 10344, File No. BPCT-1150; WLOX Broadcasting Company, Biloxi, Mississippi, Docket No. 10345, File No. BPCT-1157; for construction permits for new commercial television broadcast stations (Channel 13).

The Hearing Examiner having under consideration: (1) a Petition to Postpone Commencement of Hearing filed on behalf of Radio Associates, Inc., on October 19, 1955; and (2) the statements of counsel for each party made at an informal conference on October 18, 1955; and

It appearing that petitioner's attorney is trial counsel for an applicant in the Parma, Michigan, television cases, Docket Numbers 11169, et al., in which the hearing schedule conflicts with the October 31 hearing date heretofore established in this case, and that petitioner's plea for postponement of this hearing is acknowledged by the attorneys for WLOX and for Bureau to be supported by good cause; and

It further appearing that all counsel have informally agreed, in view of their other duties, that the hearing date hereinafter fixed allows a reasonably proper time for preparation and hearing in this case, and they have informally waived the notice and time of filing requirements of the Commission's Rules and consent to the immediate consideration and grant of this petition; now therefore,

It is ordered, This 19th day of October 1955, that the Petition to Postpone Commencement of Hearing filed this day is granted, and the further hearing in this proceeding is continued from October 31, 1955, to 10:00 a. m., on Monday, January 9, 1956, in Biloxi, Mississippi.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-8730; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket No. 11394; FCC 55M-894]

IREDELL BROADCASTING CO. (WDBM)

ORDER CONTINUING HEARING

In re Application of Walter A. Duke, d/b as Iredell Broadcasting Company (WDBM) Statesville, North Carolina, Docket No. 11394, File No. BP-9527; for construction permit.

The Hearing Examiner having under consideration an oral request of counsel for Statesville Broadcasting Company, protestant herein, for a one-day continuance in the above-entitled proceeding;

It appearing that good cause has been shown for the requested continuance and that other parties to the proceeding have not objected thereto;

It is ordered, This 24th day of October 1955 that the hearing now scheduled for November 1 is continued to November 2 1955 at 10:00 a m in Washington D C

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] MARY JANE MORRIS,
Secretary

[F R Doc 55-8731; Filed Oct 27 1955; 8:53 a m]

UNITED STATES TARIFF COMMISSION

[Investigation 43]

PARA-AMINOSALICYLIC ACID AND SALTS THEREOF

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a m, on January 24, 1956 in the Hearing Room of the Tariff Commission Eighth and E Streets NW Washington D C, in connection with Investigation No 43 under section 7 of the Trade Agreements Extension Act of 1951, as amended instituted September 16 1955, with respect to para-aminosalicylic acid and salts thereof described in the public notice of this investigation previously given (20 F R 7122)

Request to appear at hearings Parties interested will be given opportunity to be present to produce evidence, and to be heard at the above-mentioned hearing Such parties desiring to appear at the hearing should notify the Secretary of the Commission in writing, at least three days in advance of the date of hearing

I certify that the above hearing was ordered by the Tariff Commission on the 24th day of October 1955

Issued: October 25, 1955

[SEAL] DONN N BENT
Secretary

[F R Doc 55-8718; Filed Oct 27 1955; 8:51 a m]

FEDERAL POWER COMMISSION

[Docket No G-9509]

FOREST OIL CORP

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Forest Oil Corporation (Applicant) on September 26 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission The proposed changes which constitute increased rates and charges, are contained in the following designation filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)	United Fuel Gas Co	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No 2	Nov 1 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice or the effective date proposed by Applicant if later

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust unreasonable unduly discriminatory or preferential, or otherwise unlawful

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and pending such hearing and decision thereon the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act

(B) Interested State commissions may participate as provided by sections 1 8 and 1 37 (f) (18 CFR 1 8 and 1 37 (f)) of the Commission's Rules of Practice and Procedure

Adopted: October 19 1955

Issued: October 24, 1955

By the Commission

[SEAL] J H GUTRIDE,
Acting Secretary

[F R Doc 55-8710; Filed Oct 27 1955; 8:49 a m]

[Docket No G-9510]

CITIES SERVICE PRODUCTION CO

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Cities Service Production Company (Applicant) on September 26 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept 23 1955	United Fuel Gas Co	Supplement No 4 to Applicant's FPC Gas Rate Schedule No 1	Nov 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant if later

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified and may be unjust unreasonable, unduly discriminatory, or preferential, or otherwise unlawful

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and pending such hearing and decision thereon the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1 1956 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act

(B) Interested State commissions may participate as provided by sections 1 8 and 1 37 (f) (18 CFR 1 8 and 1 37 (f)) of the Commission's rules of practice and procedure

Adopted: October 19, 1955

Issued: October 24 1955

By the Commission

[SEAL] J H GUTRIDE,
Acting Secretary

[F R Doc 55-8711; Filed Oct 27, 1955; 8:50 a m]

[Docket No G-9511]

GULF REFINING CO

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Gulf Refining Company (Applicant), on September 23 1955 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission The proposed changes which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)	Texas Eastern Transmission Corp	Supplement No. 9 to Applicant's FPC Gas Rate Schedule No 2	Nov 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice or the effective date proposed by Applicant if later

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act

(B) Interested State commissions may participate as provided by sections 1 8 and 1 37 (f) (18 CFR 1 8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure

Adopted: October 19, 1955

Issued: October 24, 1955

By the Commission

[SEAL] J H GUTRIDE, *Acting Secretary*

[F R Doc 55-8712; Filed Oct 27, 1955; 8:50 a m]

[Docket No G-9512]

JAKE L HAMON ET AL

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Jake L Hamon et al (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)	Texas Eastern Transmission Corp	Supplement No 7 to Applicant's FPC Gas Rate Schedule No 9	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof defered as hereinafter ordered

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1 8 and 1 37 (f) (18 CFR 1 8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure

Adopted: October 19, 1955

Issued: October 24, 1955

By the Commission

[SEAL] J H GUTRIDE, *Acting Secretary*

[F R Doc 55-8713; Filed Oct 27, 1955; 8:50 a m]

[Docket No G-3210, etc]

SOUTHEASTERN GAS CO ET AL

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955

In the matters of Southeastern Gas Company, Docket No. G-3210; Cumberland Gas Corporation, Docket No G-3245; The Carter Oil Company, Docket Nos G-4799, G-4803, G-4861, G-4862 and G-4863; Dorchester Corporation, Docket No G-5705; Robert Cargill, Sonnel J Felsenthal, Sam S and Donald S Siegel, Bluford Stinchcomb, Docket No G-5938; Harvey E Wasson, Docket No G-5983; Chicago Stock Yards Research Company, Docket No. G-6256; Southern Union Gathering Company, Docket No G-7670; Southern Union Gas Company, Docket No G-7671

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters

[SEAL] J H GUTRIDE, *Acting Secretary*

[F R Doc, 55-8708; Filed Oct 27, 1955; 8:49 a m]

[Docket No G-9513]

CALIFORNIA CO

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The California Company (Applicant) on September 28, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept 15, 1955	Texas Eastern Transmission Corp	Supplement No. 18 to Applicant's FPC Gas Rate Schedule No 1	Nov 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days notice, or the effective date proposed by Applicant if later

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above designated supple-

ment be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8714; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. E-6648]

DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, EKLUTNA PROJECT, ALASKA

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER BY BUREAU OF RECLAMATION

OCTOBER 24, 1955.

Notice is hereby given that the Secretary of the Interior, through the Assistant Commissioner of the Bureau of Reclamation, has filed with the Federal Power Commission a proposed schedule of rates, designated as Schedule A-N1, covering the sale by the Bureau of nonfirm (dump) energy generated at the Eklutna Project, Alaska. Confirmation and approval of such rate schedule for an interim period is requested pursuant to the Eklutna Act (64 Stat. 382) as amended by Act of August 13, 1953 (67 Stat. 574)

The proposed Schedule A-N1 provides a rate of 6 mills per kwh, subject to an adjustment for deliveries at transmission voltage. Dump energy is proposed to be made available in the area served by the Eklutna Project to customers who normally maintain generating facilities or other sources of energy sufficient to supply their requirements when dump energy is not available.

Schedule A-N1 is proposed to become effective on the first day of the month following the date of the Commission's approval.

Anyone desiring to make comments or suggestions for Commission consideration with respect to the foregoing should submit the same on or before November 28, 1955 to the Federal Power Commission, Washington 25, D. C. The proposed rate schedule is on file with the Commission and is available for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8719; Filed, Oct. 27, 1955; 8:51 a. m.]

[Docket No. G-9515]

IMPERIAL PRODUCTION CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Imperial Production Corporation et al. (Applicant) on September 26, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change dated Sept. 19, 1955.	Mississippi River Fuel Corp.	Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1955, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by section 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8715; Filed, Oct. 27, 1955; 8:50 a. m.]

[Docket No. G-6165, etc.]

SUPERIOR OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955.

In the matters of The Superior Oil Company, Docket Nos. G-6165, G-6166, G-6167, G-6168, G-6169, G-6170, G-6171, G-6172, G-6173, G-6174, G-6175, G-6176, G-6177, G-6179, G-6181, G-6182, G-6183, G-6184, G-6185, G-6186, G-6187, G-6188; Texas Illinois Natural Gas Pipeline Company and Natural Gas Storage Company of Illinois, Docket No. G-8705, Texas Illinois Natural Gas Pipeline Company, Docket No. G-8905; A. W Gregg, Docket No. G-8877; George Jackson, Docket No. G-9177.

Notice is hereby given that on October 14, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F R. Doc. 55-8709; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket Nos. G-3711, G-9070]

UNION OIL CO. OF CALIFORNIA ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 24, 1955.

In the matters of Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-3711, United Fuel Gas Company, Docket No. G-9070.

Notice is hereby given that on October 13, 1955, the Federal Power Commission issued its findings and orders adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8720; Filed, Oct. 27, 1955; 8:51 a. m.]

[Docket No. G-8697]

STANOLIND OIL AND GAS CO. (OPERATOR) ET AL.

NOTICE OF ORDER PERMITTING CHANGE IN RATES

OCTOBER 24, 1955.

Notice is hereby given that on October 24, 1955, the Federal Power Commission issued its order adopted September 28, 1955, permitting change in rates due to reduction in Texas production tax and making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 55-8721; Filed, Oct. 27, 1955; 8:52 a. m.]

[Docket No. G-7233, etc.]

W. E. ELLIOT ET AL.

NOTICE OF FINDINGS AND ORDER

OCTOBER 24, 1955.

In the matters of W E. Elliot, Docket No. G-7233; Equitable Gas Company, Docket No. G-7260; Philadelphia Oil Company, Docket No. G-7261; Philadelphia Oil Company, Docket No. G-7262; A. H. Stump Gas Co. #1, Docket No. G-7279; Malissa Wilmoth Lease, Docket No. G-7282; Katie Garretson Lease, Docket No. G-7283; S. A. Corbin Well #1, Docket No. G-7284; Burks Gas Company, Docket No. G-7321, Joe Rubin & Sons, Docket No. G-7322; Clay Gas Company, Docket No. G-7323; Hall Gas Company, Docket No. G-7326; Evans Oil & Gas Co., Inc., and Oliver Jenkins, Docket No. G-7361, C. L. Sample, Docket No. G-7364; Lambert Gas Company, Docket No. G-7705; Caldwell Gas Company, Docket No. G-7743; Freeman Gas Company, Docket No. G-7744; Pridemore and Adkins, Docket No. G-7745; Pigeon Creek Gas Company, Docket No. G-7765; Federal Gas Corporation, Docket No. G-7766; Harman Gas Company, Docket No. G-7767· Black Gas Company, Docket No. G-7786; Sanging Branch Gas Company, Docket No. G-7787· Pate Gas Company, Docket No. G-7788; Kenna Gas Company, Docket No. G-7789; Huffman Gas Company, Docket No. G-7790; Leet Gas Company, Docket No. G-7791, Hamlin Natural Gas Company, Docket No. G-7792; Magnolia Gas Company, Docket No. G-7793; Randolph Gas Company, Docket No. G-7795; Dotson Branch Gas Company, Docket No. G-7796; J. S. Pridemore & R. H. Adkins, Docket No. G-7797.

Notice is hereby given that on October 17, 1955, the Federal Power Commission issued its findings and order adopted October 12, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8707; Filed, Oct. 27, 1955; 8:49 a. m.]

[Docket No. G-9520]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Gulf Refining Company (Applicant) on September 23, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of change (undated)--	Hassie Hunt Trust.....	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 13.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's Rules of Practice and Procedure.

Adopted: October 19, 1955.

Issued: October 24, 1955.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 55-8716; Filed, Oct. 27, 1955; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 25, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31235: *Nitric Acid—Boston, Mass., Group to Fernald, Ohio.* Filed jointly by C. W Boin, Agent, and O. E. Swenson, Agent, for interested rail carriers. Rates on nitric acid, tank-car loads from Boston, Mass., and stations in the Boston switching district taking Boston rates to Fernald, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 180 to Agent Swenson's I. C. C. 591.

FSA No. 31236: *Bituminous Coal to Aurora, Ill.* Filed jointly by The Chesapeake and Ohio Railway Company and the Norfolk and Western Railway Company for themselves and other interested rail carriers. Rates on bituminous coal, carloads from origins shown in the schedules listed below to Aurora, Ill.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 24 to C. & O. Ry. tariff I. C. C. 13138; Supplement 17 to Norfolk & Western Ry. I. C. C. B-3367.

FSA No. 31237: *Barytes to Morgan City, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes) ground, carloads from Cadet, Mo., Butterfield, Ark., and other specified points in Missouri and Arkansas to Morgan City, La.

Grounds for relief: To maintain destination rate relationship with New Orleans, La., and circuitous routes.

Tariff: Supplement 27 to Agent Kratzmeir's I. C. C. 4032.

FSA No. 31238: *Cast Iron Pressure Pipe Between Points in Southern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cast iron pressure pipe, carloads between specified points in southern territory named or described in the application.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31239: *Commodities From and To Points in Official Territory.* Filed jointly by C. W Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities as described in the application, carloads from specified points in official territory to specified points in official, southern and western territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31240: *Scrap Iron or Steel—St. Louis, Mo., Group to South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads (a) from Belleville and East St. Louis, Ill., and St. Louis, Mo., to Chattanooga, Tenn., (b) from Centralia and East St. Louis, Ill., and St. Louis, Mo., to Birmingham, Ala., and (c) from East St. Louis, Ill., and St. Louis, Mo., to Emco, Holt, and Tuscaloosa, Ala.

Grounds for relief: Short-line distance formula maintenance of higher-level rates in intermediate territory north of Ohio River, and circuitous routes.

Tariff: Supplement 87 to Agent Spaninger's I. C. C. 1329.

FSA No. 31241. *Commodity Rates From and To Noralyn, Fla.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on commodities various, (other than coal and coke) carload and less-than-carloads from Noralyn, Fla., to points in the United States and Canada.

Grounds for relief: New Station, grouping and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 55-8722; Filed, Oct. 27, 1955; 8:52 a. m.]